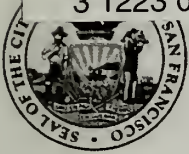




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# SAN FRANCISCO PLANNING DEPARTMENT

June 2, 2010

To Responsible Agencies, Trustee Agencies, and Interested Parties:

**RE: CASE NO. 2006.1524E – 350 MISSION STREET OFFICE BUILDING**  
**NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND**  
**AVAILABILITY OF THE INITIAL STUDY**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the above-referenced project, described below, has been issued by the Planning Department. The NOP/Notice of Public Scoping Meeting is either attached or is available upon request from **Brett Bollinger**, whom you may reach at (415) 575-9024 or at the above address. It is also available online at <http://www.sf-planning.org/index.aspx?page=1828>. This notice is being issued as potentially having an interest in the project or the project area.

5/S



*San Francisco Public Library*

Government Information Center  
San Francisco Public Library  
100 Larkin Street, 5<sup>th</sup> Floor  
San Francisco, CA 94102

## REFERENCE BOOK

*Not to be taken from the library*

LL US Office, L.P., proposes to demolish the existing four-story structure and construct a 24-story, approximately 355-foot-tall (plus mechanical space) building containing approximately 100,000 square feet of office space, 6,600 square feet of restaurant and retail space. Retail and restaurant spaces would include a retail store and a restaurant and conference space on the second floor. A 40-foot-wide pedestrian access to two loading and two service parking spaces on the ground level and the parking spaces in three subgrade levels. The building would be LEED (Leadership in Energy Efficient Design) Gold rating.

The project requires a commission review and approval under Section 309 of the Planning Code, and the sponsor is seeking exceptions, pursuant to Section 309, to *Planning Code* Section 270), and separation of towers (Section 132.1)(c)). In addition, the project must comply with the city's wind current requirements (Section 148), based on the results of a study pursuant to *Planning Code* Section 321 (Office Development: Annual Limit) and other applicable codes. In addition, construction may require use of curb lane(s) adjacent to the project. The project would require permits from the Department of Public Works and the Department of Planning. The project would also require building permits, which would require approval from the Department and Department of Building Inspection (DBI).

The 18,909-square-foot project site (Block 3710, Lot 017) is in a C-3-O (Downtown Commercial—Office) Use District and a 550-S Height and Bulk District.

**Determination.** The Planning Department has determined that an EIR must be prepared for the proposed project prior to any final decision regarding whether to approve the project. The purpose of the EIR is to provide information about potential significant physical environmental effects of the proposed project, to identify possible ways to minimize the significant effects, and to describe and analyze possible alternatives to the proposed project. Preparation of an NOP or EIR does not indicate a decision by the City to approve or to disapprove the project. However, prior to making any such decision, the decision makers must review and consider the information contained in the EIR. The (EIR) will evaluate potential impacts, including cumulative impacts, related to traffic and transportation, air quality, greenhouse gas emissions, shadow and wind, and hazardous materials. Other issues have been determined to result in less-than-significant impacts, as documented in the Initial Study. The EIR will evaluate alternatives to the proposed project, including the required No Project Alternative and one or more alternatives that would reduce or eliminate significant environmental impacts of the proposed project.

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# SAN FRANCISCO PLANNING DEPARTMENT

June 2, 2010

To Responsible Agencies, Trustee Agencies, and Interested Parties:

RE: CASE NO. 2006.1524E – 350 MISSION STREET OFFICE BUILDING  
NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND  
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**Project Description.** The project sponsor, GLL US Office, L.P., proposes to demolish the existing four-story building at 350 Mission Street and construct a 24-story, approximately 355-foot-tall (plus mechanical space) tower containing approximately 356,000 square feet of office space, 6,600 square feet of restaurant and retail space, and 6,960 square feet of public open space. Retail and restaurant spaces would include a retail store and a coffee bar/café on the ground floor and a restaurant and conference space on the second floor. A 40-foot-wide driveway on Fremont Street would provide access to two loading and two service parking spaces on the ground floor and 61 parking spaces and 64 bike parking spaces in three subgrade levels. The building would be constructed to standards required for a LEED (Leadership in Energy Efficient Design) Gold rating.

The project would require Planning Commission review and approval under Section 309 of the Planning Code, Permit Review in C-3 Districts, and the sponsor is seeking exceptions, pursuant to Section 309, to *Planning Code* requirements for upper tower bulk (Section 270), and separation of towers (Section 132.1)(c)). In addition, the project may seek an exception to the *Code's* wind current requirements (Section 148), based on the results of a wind study. The project would be subject to *Planning Code* Section 321 (Office Development: Annual Limit) and Section 295, concerning shadow impacts. In addition, construction may require use of curb lane(s) adjacent to the site for a pedestrian walkway, which would require permits from the Department of Public Works and the Municipal Transportation Agency. The project would also require building permits, which would require review and approval by the Planning Department and Department of Building Inspection (DBI).

The 18,909-square-foot project site (Block 3710, Lot 017) is in a C-3-O (Downtown Commercial—Office) Use District and a 550-S Height and Bulk District.

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The Planning Department will hold a **PUBLIC SCOPING MEETING** on **Tuesday, June 22, 2010, at 6:00 p.m. at 50 Fremont Street, Suite 2275** (office of the project sponsor, GLL US Office, across the street from the project site. The purpose of this meeting is to receive oral comments to assist the Planning Department in reviewing the scope and content of the environmental impact analysis and information to be contained in the EIR for the project. Written comments will also be accepted until the close of business on **Friday, July 2, 2010**. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

If you work for an agency that is a Responsible or a Trustee Agency, we need to know the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. We will also need the name of the contact person for your agency. If you have questions concerning environmental review of the proposed project, please contact **Brett Bollinger** at (415) 575-9024 or [Brett.Bollinger@sfgov.org](mailto:Brett.Bollinger@sfgov.org).



# SAN FRANCISCO PLANNING DEPARTMENT

## Notice of Preparation of an Environmental Impact Report

**Date:** June 2, 2010  
**Case No.:** 2006.1524E  
**Project Title:** 350 Mission Street  
**Zoning:** C-3-O (Downtown Commercial—Office)  
550-S Height and Bulk District  
**Block/Lot:** 3710/017  
**Lot Size:** 18,909 square feet  
**Project Sponsor:** GLL US Office, L.P.  
**Contact:** Daniel Frattin, Reuben & Junius LP – (415) 567-9000  
**Lead Agency:** San Francisco Planning Department  
**Staff Contact:** Brett Bollinger – (415) 575-9024  
[Brett.Bollinger@sfgov.org](mailto:Brett.Bollinger@sfgov.org)

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### PROJECT DESCRIPTION

The project sponsor, GLL US Office, L.P., proposes to demolish the existing four-story building at 350 Mission Street and construct a 24-story, approximately 355-foot-tall (plus mechanical space) tower containing approximately 356,000 square feet of office space, 6,600 square feet of restaurant and retail space, and 6,960 square feet of public open space. Retail and restaurant spaces would include a retail store and a coffee bar/café on the ground floor and a restaurant and conference space on the second floor. A 40-foot-wide driveway on Fremont Street would provide access to two loading and two service parking spaces on the ground floor and 61 parking spaces and 64 bike parking spaces in three subgrade levels. The building would be constructed to standards required for a LEED (Leadership in Energy Efficient Design) Gold rating.

The project would require Planning Commission review and approval under Section 309 of the Planning Code, Permit Review in C-3 Districts, and the sponsor is seeking exceptions, pursuant to Section 309, to *Planning Code* requirements for upper tower bulk (Section 270), and separation of towers (Section 132.1)(c)). In addition, the project may seek an exception to the *Code's* wind current requirements (Section 148), based on the results of a wind study. The project would be subject to *Planning Code* Section 321 (Office Development: Annual Limit) and Section 295, concerning shadow impacts. In addition, construction may require use of curb lane(s) adjacent to the site for a pedestrian walkway, which would require permits from the Department of Public Works and the Municipal Transportation Agency. The project would also require building permits, which would require review and approval by the Planning Department and Department of Building Inspection (DBI).

### ENVIRONMENTAL REVIEW TOPICS

The Environmental Impact Report (EIR) will evaluate potential impacts, including cumulative impacts, related to traffic and transportation, air quality, greenhouse gas emissions, shadow and wind, and hazardous materials. Other issues have been determined to result in less-than-significant impacts, as documented in the Initial Study for the proposed project. The EIR will also evaluate alternatives to the proposed project, including the required No Project Alternative and one or more other alternatives that would reduce or eliminate significant environmental impacts of the proposed project.

## FINDING

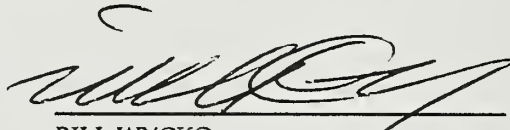
**THIS PROJECT COULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND AN ENVIRONMENTAL IMPACT REPORT WILL BE REQUIRED.** This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance), and the reasons as documented in the Environmental Evaluation (Initial Study) for the project, which is attached.

## PUBLIC SCOPING PROCESS

Pursuant to the State of California Public Resources Code Section 21083.9 and California Environmental Quality Act Guidelines Section 15206, a public scoping meeting will be held to receive oral comments concerning the scope of the EIR. The meeting will be held on Tuesday, June 22, 2010, at 6:00 p.m. at 50 Fremont Street, Suite 2275 (office of the project sponsor, GLL US Office, across the street from the project site). Written comments will also be accepted at this meeting and until 5 p.m. on Friday, July 2, 2010. Written comments should be sent to Bill Wycko, Environmental Review Officer, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

**State Agencies:** If you work for a responsible agency, we need to know the views of your agency regarding the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. Please include the name of a contact person in your agency.

June 1, 2010  
Date

  
BILL WYCKO  
Environmental Review Officer

**INITIAL STUDY**  
**350 MISSION STREET**  
**PLANNING DEPARTMENT CASE NO. 2006.1524E**

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## LIST OF ACRONYMS

Cal-OSHA	Division of Occupational Safety and Health, California Department of Labor Relations
CDMG	California Division of Mines and Geology (now California Geological Survey)
CEQA	California Environmental Quality Act
Corps	U.S. Army Corps of Engineers
dBA	A-weighted Decibel(s)
DBI	San Francisco Department of Building Inspection
DPH	San Francisco Department of Public Health
DPW	San Francisco Department of Public Works
ERO	Environmental Review Officer, San Francisco Planning Department
FEMA	Federal Emergency Management Agency
FIRMs	Flood Insurance Rate Maps
HUD	Department of Housing and Urban Development
LEED®	Leadership in Energy and Environmental Design
LOS	Level of Service
MEA	Major Environmental Analysis Division, San Francisco Planning Department
MRZ-4	Mineral Resource Zone 4
NFIP	National Flood Insurance Program
NPDES	National Pollutant Discharge Elimination System
OPR	Governor's Office of Planning and Research
OSHA	Federal Occupational Safety and Health Administration
SFFD	San Francisco Fire Department
SFHA	Special Flood Hazard Area
SFMTA	San Francisco Municipal Transportation Agency
SFPUC	San Francisco Public Utilities Commission
SMP	Site Mitigation Plan
UST	Underground Storage Tank



# Initial Study

## 2006.1524E – 350 Mission Street

### A. PROJECT DESCRIPTION

The project sponsor, GLL US Office, L.P., proposes to demolish the existing four-story building at 350 Mission Street and construct a 24-story, approximately 355-foot-tall (plus mechanical space) tower containing approximately 356,000 square feet of office space, 6,600 square feet of restaurant and retail space, and 6,960 square feet of public open space. Retail and restaurant spaces would include a coffee bar/café on the ground floor and a restaurant and conference space on the second floor. A 40-foot-wide driveway on Fremont Street would provide access to two loading and two service parking spaces on the ground floor and 61 parking spaces and 64 bike parking spaces in three subgrade levels. The building would be constructed to standards required for a LEED (Leadership in Energy Efficient Design) Gold rating.<sup>1</sup>

### PROJECT LOCATION AND SITE CHARACTERISTICS

The project site, located at 350 Mission Street, on the northeast corner of Mission and Fremont Streets, is on Assessor's Block 3710, Lot 17.<sup>2</sup> The site is within the C-3-O Downtown Office Use District and the 550-S height and bulk District (550 foot height limit; setbacks required for floors above building "base"; permitted floor area ratio is 9.0:1; FAR of up to 18.0:1 is permitted with transfer of development rights). The approximately 19,000-square-foot project site is generally, flat with an elevation of 3 feet, SFD at the corner of Mission and Fremont Streets.<sup>3</sup> The site, which has frontages on Mission and Fremont Streets, is currently fully occupied by a four-story, approximately 60-foot-tall building providing about 95,000 square feet of floor area, including the 13,000-square-foot basement. Approximately 72,000 square feet of office space, currently in educational use by Heald College, and 10,000 square feet of retail space occupy the existing building. No off-street parking spaces or loading spaces are currently provided. The building was built in 1923. There is a total of nine street trees along the Fremont and Mission Street frontages. **Figure 1** shows the project location.

### PROPOSED PROJECT

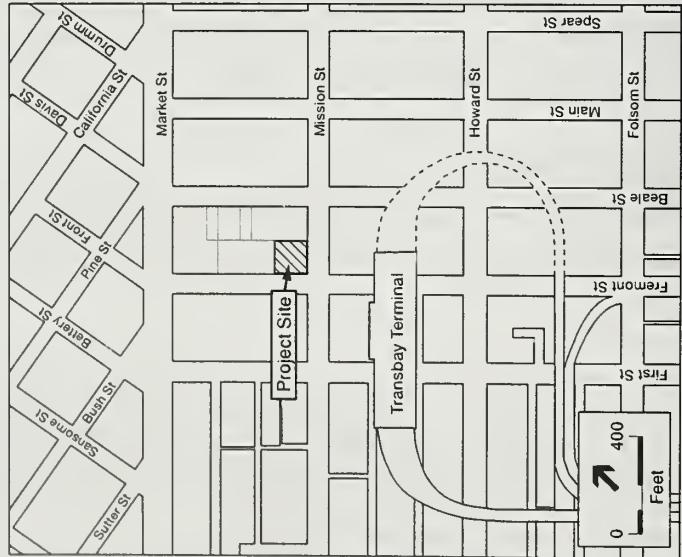
The proposed project would consist of a 24-story, approximately 355-foot-tall office tower with office uses occupying approximately 356,000 square feet on floors 5 through 24 (the building would have no

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<sup>1</sup> The LEED Building Rating System is a third-party certification program and benchmark for the design, construction and operation of green buildings. It provides building designers, owners and operators with tools to assess a project's performance with respect to environmental responsibility. More information about the LEED rating system can be obtained at <http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>, accessed on April 21, 2008.

<sup>2</sup> Consistent with San Francisco practice, Market Street and streets parallel are considered east-west streets. Thus, Mission Street runs east-west, and Fremont Street runs north-south.

<sup>3</sup> San Francisco City Datum (SFD) establishes the City's zero point for surveying purposes at approximately 8.6 feet above the mean sea level established by 1929 U.S. Geological Survey datum.



Project Site  
17 Lot Number  
3710 Assessor's Block

0 100  
Feet

SOURCE: ESA

Case No. 2006.1524E: 350 Mission Street . 207037  
**Figure 1**  
Project Location

floor 13, nor floors 3 or 4). The ground floor would have a height of 50 feet, equaling approximately 3 to 4 stories, and a mezzanine level would be incorporated within this space.<sup>4</sup> Approximately 6,600 square feet of retail and restaurant space would be divided into four spaces on the ground floor and the mezzanine. These spaces would include a 1,000-square-foot retail space on the ground floor facing Mission Street, a small coffee bar/café near the northwest corner of the ground-floor lobby, and an approximately 4,600-square-foot restaurant space with a separately demised conference/dining room on the mezzanine. Pedestrian entrances would be located on the Fremont and Mission Street frontages and would open to a 50-foot-tall lobby, which would include part of the mezzanine floor that would be open to the ground floor. The lobby would function, in part, as an enclosed publicly accessible open space, including internal access to the retail space and a wide stairway to the mezzanine that would double as public amphitheater style seating. The approximately 35-foot-tall mezzanine floor would be occupied mostly by the restaurant/conference space but would include about 2,200 square feet of enclosed public seating at the top of the stairway. The mezzanine level would cover the north and east portion of the ground floor and leave the southwest lobby space open to the entire 50-foot-tall volume.

Vehicle and freight loading access would be via a 40-foot-wide two-way driveway on Fremont Street on the northwest corner of the project site. The northern portion of the ground floor would include four off-street freight loading spaces (two truck and two service van), a 30-foot-diameter turntable for large vehicle turnaround, and building service spaces including trash and storage facilities. Three basement levels would provide 61 independently accessed parking spaces, including three spaces dedicated to shared electric vehicles (with battery charging capability); 64 bicycle parking spaces; building services and mechanical space; and a fitness center for use by building tenants. **Figures 2 and 3** depict the proposed ground floor and mezzanine plans, respectively. **Figure 4** depicts a representative upper-story floor plan.

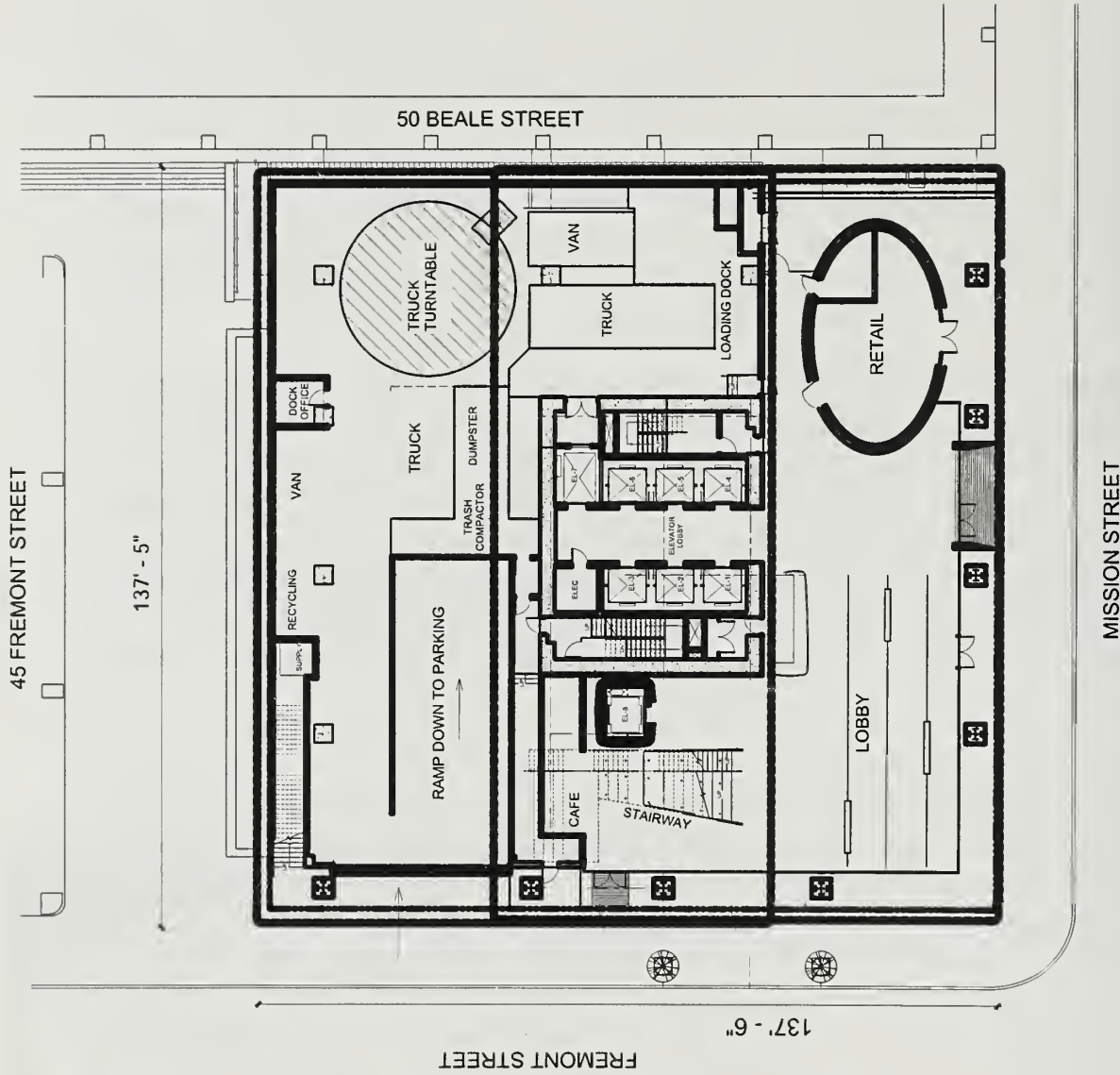
The building would contain approximately 340,000 "gross square feet" (square feet of gross floor area), as measured in accordance with the *San Francisco Planning Code*, Section 102.9, consisting almost entirely of office space. To meet the *Planning Code* open space requirement of one square foot per 50 square feet of gross floor area in the C-3 District, a total of 6,800 square feet of publicly accessible open space would be required. For the purposes of this requirement, the enclosed lobby and public seating areas would be considered an "indoor park." The *Planning Code* (Section 138) and Downtown Plan element of the *San Francisco General Plan* consider an enclosed indoor park to be one form of "open space" that may be used for the purposes of satisfying this requirement, assuming applicable guidelines are met.<sup>5</sup> The ground floor lobby, stairway, and adjacent exterior open space would contribute approximately 4,755 square feet of open space. On the mezzanine, at the top of the stairway, the project would provide a public seating area of approximately 2,205 square feet. Thus, the project would exceed the *Planning Code*

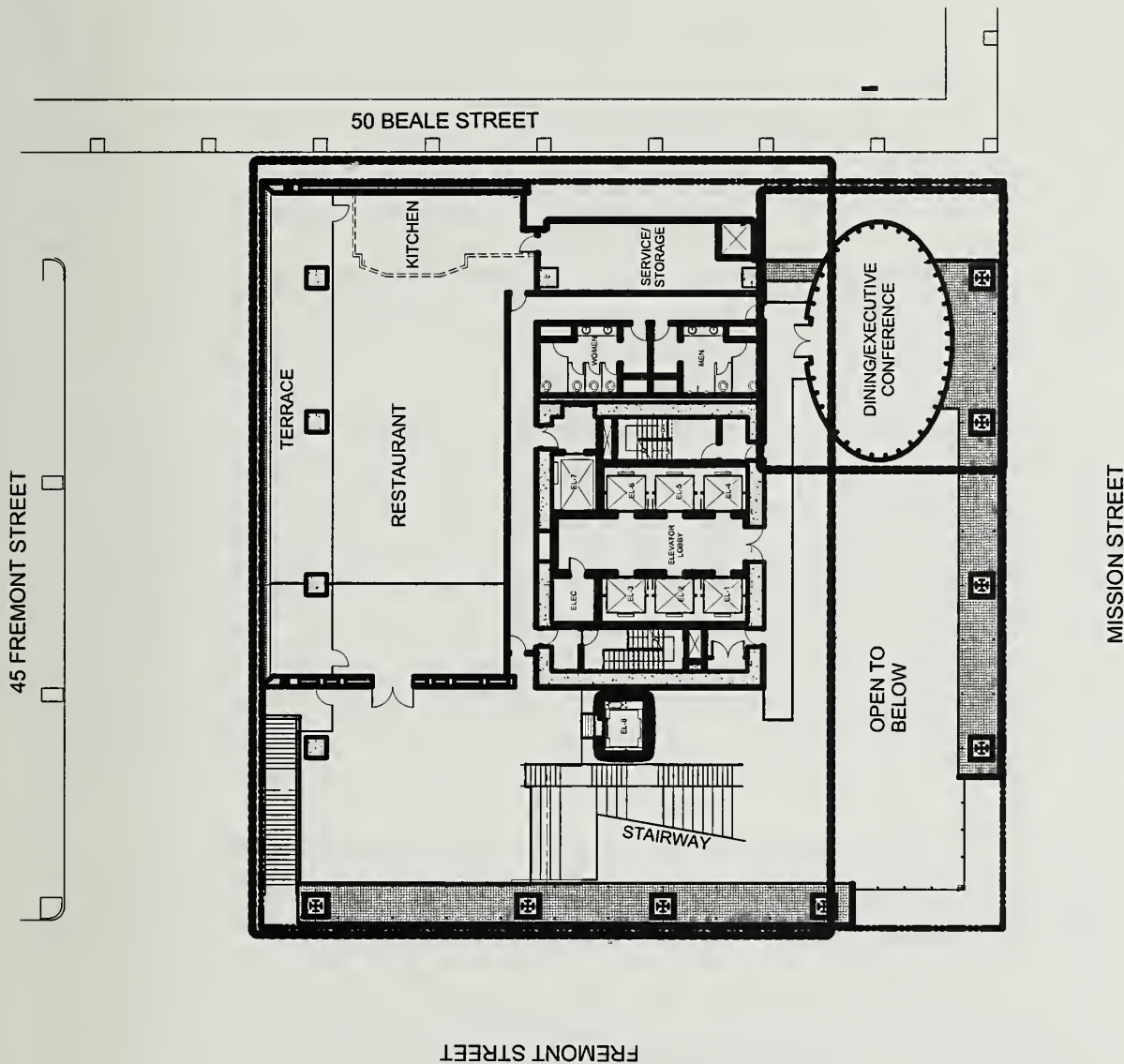
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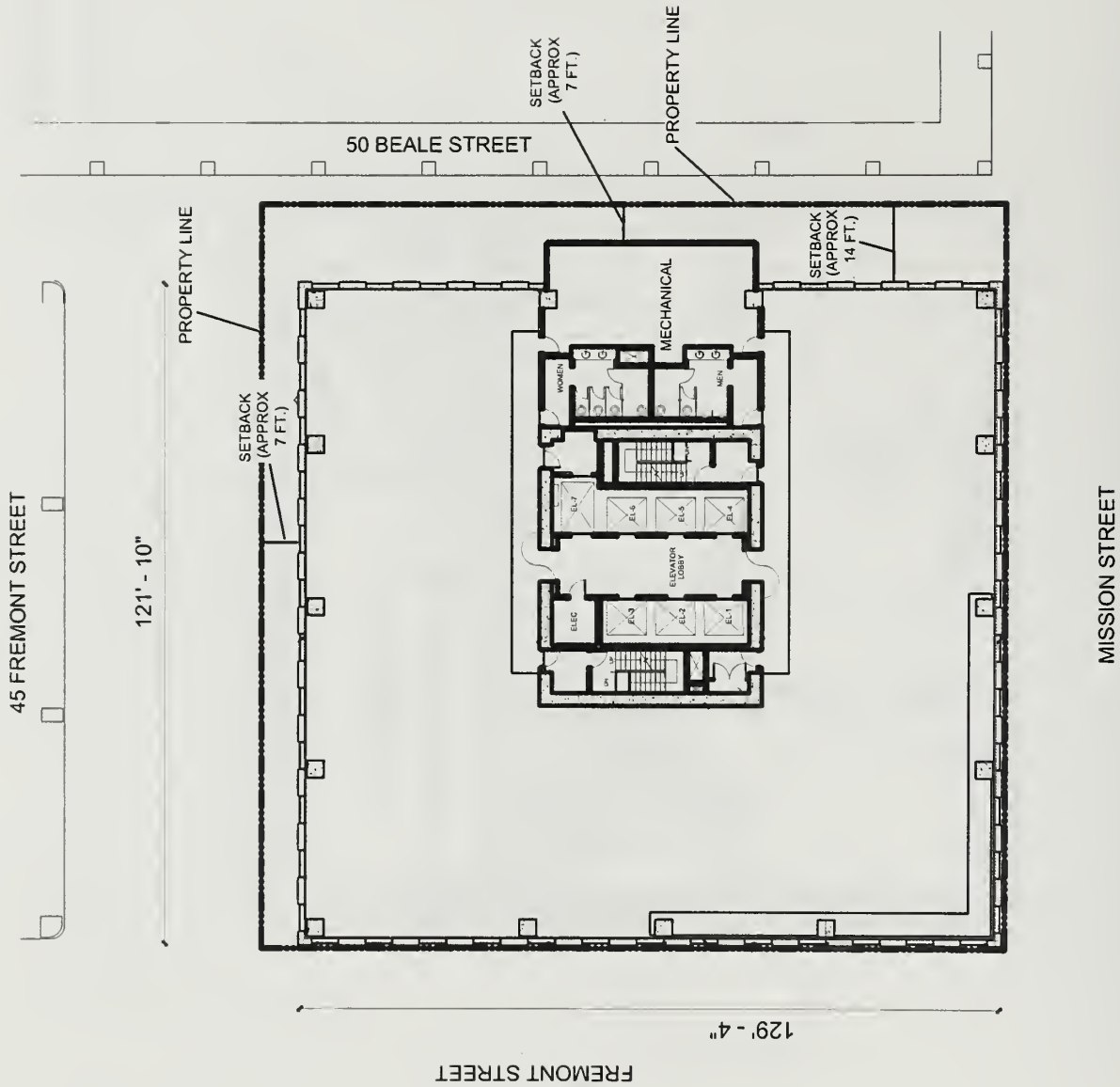
<sup>4</sup> Skidmore, Owings, & Merrill, LLP. 100 Percent Design Development Drawings: Building Elevations, South and West. 2008.

<sup>5</sup> The Downtown Plan (Table 1, Guidelines for Downtown Open Space) states that an Indoor Park should have, among other qualities, at least one street-facing glass wall and be accessible from street level; contain at least 1,000 sq. ft. and be at least 20 feet tall; provide food service and adequate seating, sunlight, and ventilation; and include design features.











Section 102.9 requirements with the provision of roughly 6,960 square feet of publically accessible open space.

The three basement levels would contain a total of 61 parking spaces. The first basement level would have three dedicated parking spaces for electric vehicles (with battery charging capability) and three disabled-accessible spaces (which would meet the requirement of *Planning Code* Section 155(i)). The second and third basement levels would include approximately 55 marked parking spaces (capacity for about 80 vehicles with valet parking operations). The project would provide a minimum of 64 stalls for bicycle parking, which would meet the requirement of *Planning Code* Section 155.4(d).<sup>6</sup> The proposed floor area devoted to off-street parking (approximately 23,540 square feet) would be within the maximum permitted of seven percent of building gross floor area pursuant to *Planning Code* Section 151.1. For purposes of this calculation parking area includes spaces and aisles and excludes entrance and exit driveways and ramps. Therefore, the proposed project would comply with Section 151.1. Four off-street loading spaces (two truck and two service van), also accessible from Fremont Street, would meet the *Planning Code* requirement under Section 152.1 (see Approvals Required, below).

According to *Planning Code* Section 270, which implements the direction for building massing contained in the Downtown Plan element of the *San Francisco General Plan*, buildings over 160 feet in height are considered to have a base, lower tower and upper tower. The base, which may not exceed a height of 1.25 times the width of the principal adjacent street, has no plan or area restrictions under this section but is required to be visually delineated from the lower and upper towers through a setback, cornice line, or other means. As Mission Street is the principal adjacent street and is 82.5 feet wide, the base height for this project is considered to be 103 feet tall. As proposed, the project building would be generally rectilinear in shape with an approximately 55-foot-tall building base (inclusive of ceiling fixtures below the fifth floor) physically distinguished from the remaining 300 feet of the office tower (plus mechanical space).

The combined ground floor and mezzanine levels would be the project's primary distinguishing feature in terms of articulation and materials. In particular, at the corner of Mission and Fremont Streets, the ground floor and mezzanine together would serve as an approximately 50-foot-tall atrium (55 feet inclusive of ceiling fixtures), large portions of which would be open to the sidewalk in good weather. Publicly accessible open space would be located on both the ground floor and mezzanine, and the atrium would have large expanses of clear glass. Behind the glass columns would rise the full height of the atrium. A glazed, oval-shaped enclosure near the southeast corner of the atrium would house retail space on the ground floor and a dining/conference room at the mezzanine level.

Above the atrium, the project's façade would be clad in an energy-efficient glass curtain wall. **Figure 5** presents proposed project elevations.

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<sup>6</sup> The draft Transit Center District Plan (published November 2009) proposes to amend Section 155.4 of the Planning Code to increase number of required onsite secure bicycle parking spaces for commercial buildings to one space for every 6,000 gsf of office space. This would increase the required number of bicycle spaces for the project to approximately 55 spaces.

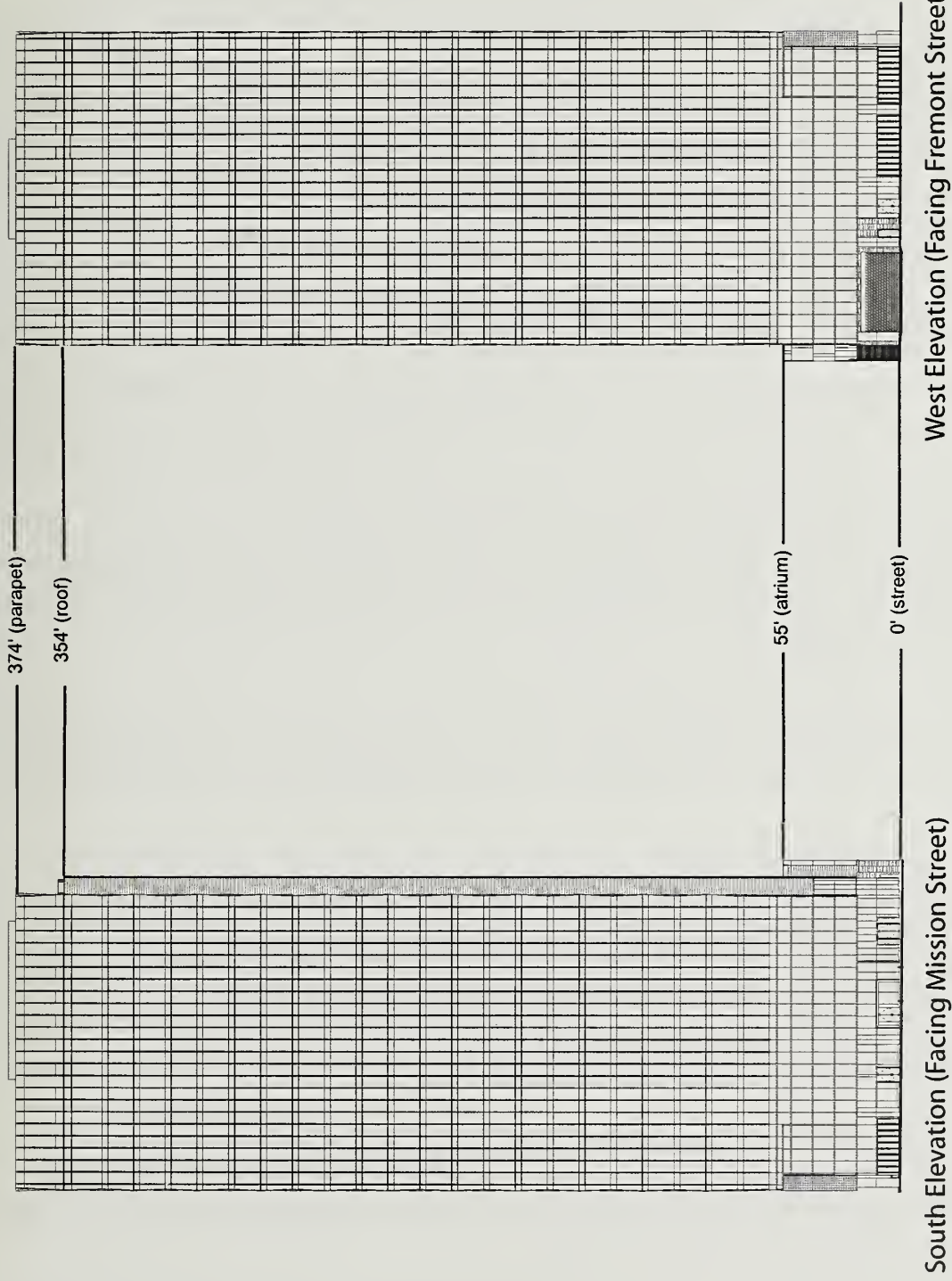
The project's office component (spanning from approximately 55 to 355 feet in height) would have no setbacks from the property line along the west and south faces. The east face would generally be set back approximately 14 feet from the east property line, except for a 40-foot-wide mechanical element running from levels three through 24 that would extend approximately 7.5 feet into this space, and thus would be setback only approximately 7 feet from the east property line. Also, the north face would be set back approximately 6.5 feet from the northern property line. Therefore, the project would not conform to the required 15-foot set back from the east and north property lines pursuant to Section 132.1(c). The tower would have a maximum plan length of approximately 130 feet and a maximum diagonal dimension of approximately 180 feet. The average floor size, as measured in accordance with the *Planning Code* Section 102.9, would be about 15,000 square feet. These dimensions would be consistent with the bulk limits of *Planning Code* Section 270 for the building base (up to 103 feet in height) and lower tower (103 feet to 220 feet in height), but would exceed the permitted diagonal dimension and average floor area for the upper tower (above 220 feet in height). Accordingly, the project would require exceptions to the upper tower bulk limits, as is permitted under *Planning Code* Section 309, Permit Review in C-3 Districts. Under Section 309, for new projects or additions larger than 50,000 square feet or 75 feet in height, such as the proposed project, the Planning Commission holds a public hearing on all authorizations for the project. The Planning Commission may impose conditions on the project in regard to siting and design; view, parking, traffic and transit effects; energy consumption; pedestrian environment; and other matters. The project includes demolition of the four-story building currently occupying the project site. The existing building contains approximately 95,000 square feet of office (currently occupied with educational uses), retail and accessory uses, including a basement. It contains no parking facilities and fully occupies the lot. The building, which was built in 1923, is not currently listed in the California Register of Historical Resources nor is it identified as significant in a local register, such as Article 10 and Article 11 of the *Planning Code*. Tenants in the existing building include Heald College, Starbucks, Noah's Bagels, Lee's Deli, Happy Donuts and Powersource Juice Bar. Approximately 150 full- and part-time employees currently work at the project site.

The proposed project would be constructed atop a mat foundation. Excavation for the three basement levels and the foundation would extend to approximately 50 feet below grade, and would require removal of approximately 35,000 cubic yards of soil.

Project construction would take approximately 22 months, and occupancy is anticipated in late 2012. Construction costs are currently estimated at approximately \$85 million. The project architect is Skidmore, Owings & Merrill LLP.

#### *Approvals Required*

The proposed project's office and retail uses are principal permitted uses in the C-3-O (SD) District. At 355 feet in height, the proposed project would also be consistent with the site's height limit of 550 feet. Therefore, no special approvals are required with respect to land use or building height.





The project would require Planning Commission review and approval under Section 309, Permit Review in C-3 Districts, because the project would exceed 50,000 gross square feet and because the sponsor would seek exceptions, pursuant to Section 309, to the following *Planning Code* sections: bulk requirements (Section 270) because the upper tower portion of the building (above a height of 220 feet) would exceed the maximum permitted floor area and diagonal plan dimension; and the requirement for separation of towers (Section 132.1)(c)). The *Code* requirement, based on the building's 355-foot height, is a minimum tower setback of 19 feet from the centerline of adjacent street(s) and from interior property line(s). The project would have a setback of approximately 14 feet from the eastern interior property line (adjacent to the building at 50 Beale Street), but this setback would be penetrated by a 40-foot-wide mechanical element running extend approximately 7.5 feet into this space. The project would have a setback of approximately 6.5 feet from the northern interior property line (adjacent to the building at 45 Fremont Street). The project would comply with the setback requirement from abutting streets.<sup>7</sup>

In addition, the project may seek an exception to the *Code's* ground-level wind current requirements (Section 148) if it is determined that the project would not reduce existing exceedances of the pedestrian wind speed criterion and/or would result in exceedances of both the pedestrian and seating comfort criteria. Section 309 also permits the imposition of certain conditions in regard to such matters as a project's siting and design; view, parking, traffic and transit effects; energy consumption; pedestrian environment; and other matters. The proposed project would also be subject to review and approval pursuant to *Planning Code* Section 321 (Office Development: Annual Limit) and Sections 146 and 295, concerning shadow impacts.

The project would be required to comply with the Jobs-Housing Linkage Program (*Planning Code* Secs. 313 *et. seq.*), which would require that the project sponsor either fund the construction of 92 affordable housing units<sup>8</sup> or pay an in-lieu fee to the City in the amount of \$19.89 per gross square foot of office space.

As a downtown office project, the project would also be subject to certain other *Planning Code* sections beyond those noted above: Section 138.1, pedestrian streetscape improvements; Section 139, downtown park fees; Section 143, street trees; Section 149, public art requirements; Section 163, transportation management and transportation brokerage services; Section 164, San Francisco Resident Placement and Training Program; Section 165, child care plans and child-care brokerage; as well as transit development impact fees under Article 38 of the *Administrative Code*.

In addition, construction may require use of one or more of the curb lanes adjacent to the project site for a pedestrian walkway, which would require a street space permit from the Bureau of Street Use and Mapping of the Department of Public Works and a special traffic permit from the Department of Parking and Traffic of the Municipal Transportation Agency.

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<sup>7</sup> The setbacks from Fremont and Mission Streets, each of which is 82 feet, 6 inches in width, would be more than 41 feet.

<sup>8</sup> Based on 0.00027 housing units per gross square foot of office development and a project of 340,000 square feet of gross floor area, per *Planning Code* Section 313.5.

The project would also require building permits, which would require review and approval by the Planning Department and Department of Building Inspection (DBI).

## B. PROJECT SETTING

The proposed project is within San Francisco's Financial District, which functions as the densely developed center of commerce and employment for the city as well as for the nine county Bay Area. The site is within the C-3-O Downtown Office District, on Assessor's Block 3710, Lot 17. The project site is within the 550-S height and bulk district, which has a height limit of 550 feet; bulk limits for the lower and upper towers require setbacks so that the floor area decreases as the building height increases. The C-3-O district is described in *Planning Code* Section 310.3 as consisting primarily of high-quality office development focusing on finance, corporate headquarters, and service industries, and serving as an employment center for the region. It permits office uses and retail sales (including restaurant) and personal services uses. The C-3-O District permits a base floor area ratio (FAR) of 9:1. In this district, a maximum FAR of 18:1 is permitted with transfer of development rights (TDR), and the project, as proposed, would have a FAR of 18:1.<sup>9</sup>

The project site is flat; elevation at the site is approximately 3 feet, SFD.<sup>10</sup> The project vicinity is also flat and level, although the ground level rises in elevation southward towards Rincon Hill, which begins its slope upward at Howard Street and rises to over 100 feet in elevation less than one-half mile from the project site to the south. Because the original San Francisco Bay shoreline once reached to the corner of First and Mission Streets, the project site is located on artificial fill used in the early years of City growth. Accordingly, the project site is within the "Maher area" (bayward of the historic high tide line), an area in which soil investigation is required per Article 20 of the San Francisco Public Works Code and Article 22A of the Public Health Code (see Section E.15, Hazards, p. 72).

Development in the vicinity consists primarily of office space above ground-floor retail stores. The block on which the project site is located contains three high-rise office buildings—ranging in height from about 330 feet to 470 feet—in addition to the four-story office and retail building on the project site. There are also office towers across Fremont Street to the west. To the southwest, the Transbay Transit Terminal is located diagonally across the intersection of Fremont and Mission Streets from the project site. Immediately south of the site, across Mission Street, is the newly constructed Millennium Tower, the City's tallest residential building, at 60 stories and nearly 650 feet in height. It has ground-floor restaurant space on Mission Street.

Market Street is San Francisco's major commercial thoroughfare and transit artery, is one block north of the project site. The Embarcadero is five blocks east of the site, and the elevated Interstate 80 freeway that

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<sup>9</sup> Transfer of Development Rights is the process through which units of gross floor area may be transferred, pursuant to the provisions of this Section and Article 11 of the Planning Code, from a Transfer Lot to increase the allowable gross floor area of a development on a Development Lot for the purpose of preservation of buildings and district of architectural, historical, and aesthetic importance in the C-3 (Downtown Commercial Office) District (Sec. 128).

<sup>10</sup> SFD – San Francisco Datum (see footnote 3, p. 1).



leads to the Bay Bridge is just over three blocks south.<sup>11</sup> The area to the northwest, north, and east of the project site consists primarily of additional high-rise office structures with associated ground-floor retail. West and southwest of the project site, beyond the Transbay Terminal, land uses are generally lower density, but consist primarily of office and retail uses similar to those elsewhere in the neighborhood. Additional residential uses are found two blocks southeast at Rincon Center, at the Infinity towers five blocks southeast, and to the west, on Market, New Montgomery and Third Streets. Nearby hotels include the Hyatt Regency on Market Street and smaller hotels on Steuart Street, along with the Palace Hotel on New Montgomery Street, the Argent Hotel on Third Street, and the Four Seasons Hotel on Market Street near Third Street. Golden Gate University is located on Mission Street between First and Second Streets, a little more than a block west of the site. Additionally, the UC Berkeley Extension San Francisco campus is located in the office tower at 425 Market Street, less than one block from the project site. Heald College, a private two-year school offering career-oriented associates' degrees, currently occupies space in the building on the project site. The Yerba Buena Center/Moscone Convention Center area is about three blocks east of the project site.

The nearest open spaces to the project site include Justin Herman Plaza (on The Embarcadero to the north and south of Market Streets), Sue Bierman Park and Maritime Plaza (extending west from Justin Herman Plaza between Clay and Washington Streets), Yerba Buena Gardens (a Redevelopment Agency property at Third and Mission Streets), and Rincon Park (a Redevelopment Agency property along The Embarcadero). There are numerous privately owned, publicly accessible plazas, gardens and open spaces nearby, including on the project block and the block immediately to the west.

The project site and vicinity is the subject of the draft Transit Center District Plan (TCDP), a comprehensive plan for the southern portion of San Francisco's downtown Financial District, encompassing approximately 145 acres roughly bounded by Market Street, the Embarcadero, Folsom Street, and Third Street. The project would result in new planning policies and controls for land use; urban form, including building height and design; street network modifications/public realm improvements; historic preservation; and district sustainability, including the potential creation of a district-wide combined heat and power (cogeneration) system, the enhancement of green building standards in the district, and reductions in potable water use and stormwater runoff. It would allow for height limit increases in subareas composed of multiple parcels or blocks within the area. The TCDP builds upon other plans in the vicinity, described below:

- *Transbay Transit Center/Rail Extension* – The Transbay Transit Center will replace the existing Transbay Terminal with a new modern multimodal Transit Center that will serve multiple local and regional transportation systems under one roof and anchor the Transbay Redevelopment Area. The new terminal will replace the existing Transbay Terminal as the terminal for service provided

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<sup>11</sup> In the South of Market Area in the project site vicinity, blocks northeast of First Street are primarily 550 feet long (northwest to southeast) and 275 feet wide (northeast to southwest). Blocks southwest of First Street are primarily 550 feet long (northwest to southwest) and 825 feet wide (northeast to southwest). Some blocks southwest of First Street are further subdivided by narrow streets, alleys, or other main thoroughfares, such as New Montgomery Street. Main thoroughfares, including those bordering the project site, are almost exclusively 82.5 feet wide.



by the San Francisco Municipal Railway (Muni), AC Transit, SamTrans, and Golden Gate Transit, along with Greyhound bus service. Assuming that additional funding is secured, the Transit Center also would accommodate an underground extension of the Caltrain line as well as the future California High-Speed Rail from Fourth and King Streets to the new terminal. The new Transit Center and the rail extension were analyzed in an EIS/EIS prepared in 2004 and subsequently amended.<sup>12</sup>

- *2005 Transbay Redevelopment Plan* – The Transbay Redevelopment Project Area, created in 2005, encompasses about 55 acres and is generally bounded by Mission, Main, Folsom, and Second Streets. The Redevelopment Plan Area contains the existing Transbay Terminal and access ramps, as well as a number of vacant and underutilized properties and older buildings, many of which are substantially deteriorated and/or constructed of unreinforced masonry. The Redevelopment Plan is intended to address these conditions of “blight.” The Plan sets forth various projects and programs that will be funded with tax increment dollars over the life of the Redevelopment Plan. Proceeds from the sale of the property and approximately \$178 million of the net tax increment will be pledged to the Transbay Joint Powers Authority to help pay the cost of rebuilding the Transbay Terminal into a regional transit hub (the Transit Center). The Plan also calls for new residential development on parcels along Folsom Street formerly occupied by the Embarcadero Freeway ramps, as well as office space adjacent to the new terminal (the Transit Tower). The Transbay Redevelopment Plan was also analyzed in the previously-referenced EIR for the Transbay Transit Center/Rail Extension.
- *Rincon Hill Plan* – The Rincon Hill Plan, adopted in 2005, encourages high-density residential development and greater building heights in the area between Folsom Street and the Bay Bridge. The goal of the Plan is to encourage the ongoing transformation of the area into a new mixed-use high-density residential neighborhood adjacent to the downtown, with both strong urban design controls and implementing mechanisms to fund the necessary public infrastructure, including open space, streets, community facilities, and affordable housing. Together with plans for the Transbay Redevelopment Plan, the Rincon Hill Plan will create housing for as many as 20,000 new residents. The Plan calls for location of retail shops and neighborhood services along Folsom Street, and transformation of Main, Beale, and Spear Streets into traffic-calmed, landscaped residential streets lined with townhouses and front doors. Funding is also included, from development impact fees, for the acquisition and development of open space in the district.

In addition, several high-rise and/or sizable projects are proposed within the project vicinity: the Transbay Joint Powers Authority (TJPA) proposes to construct an approximately 1,000-foot-tall tower adjacent to the planned new Transbay Transit Center (replacement terminal) on Mission Street, and is

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<sup>12</sup> U.S. Department of Transportation Federal Transit Administration, the City and County of San Francisco, Peninsula Corridor Joint Powers Board, and San Francisco Redevelopment Agency, *Transbay Terminal/Caltrain Downtown Extension/ Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report and Section 4(f) Evaluation*, June 2004. Available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, in Case No 2007.0558E and also available at <http://www.transbaycenter.org/TransBay/content.aspx?id=114>. Amendments to the EIS/EIR are available at: <http://www.transbaycenter.org/TransBay/content.aspx?id=67>.

also considering high-rise development of a second TJPA-owned parcel on Howard Street between First and Second Streets. The Planning Department either has applications on file, or has had preliminary discussions with developers, for towers at 50 First Street (two towers, an 850-foot, office tower fronting on First Street and a 550-foot residential tower fronting on Mission Street, along with retail space on the ground floor of each), 222 Second Street (26-story, 350-foot-tall office building),<sup>13</sup> 181 Fremont Street (877-foot, 65-story residential and office tower), 41 Tehama Street (400-foot, 39-story residential building), the Palace Hotel at New Montgomery and Market Streets (690-foot, 60-story residential tower at the non-historic southwestern corner of the existing hotel), and the southwest corner of Third and Folsom Streets (mixed-use project potentially containing two towers, along with hotel and convention space). In addition, the Planning Department and the San Francisco Redevelopment Agency are evaluating a proposed 605-foot-tall, residential tower at the northeast corner of Third and Mission Streets that would also rehabilitate the historic Aronson Building and provide a new location for the Mexican Museum, while the San Francisco Museum of Modern Art has announced plans for an expansion structure—which may include a tower—on Howard Street, southeast of the existing museum building on Third Street. Beyond these proposed projects, an office building has been approved and construction started and then halted at 535 Mission Street, while there is a long-approved 23-story office building at 524 Howard Street. Additionally, Golden Gate University has publicly discussed future plans for a tower at its Mission Street campus.

### C. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	Not Applicable
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any conflicts with any adopted plans and goals of the City or Region, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### PLANNING CODE

The *Planning Code*, which incorporates by reference the City’s Zoning Maps, governs permitted uses, densities and the configuration of buildings in San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the proposed action conforms to the *Planning Code*, or an exception is granted pursuant to provisions of the *Planning Code*, or a reclassification (rezoning) of the site occurs. The proposed project would not require rezoning.

The C-3-O district is described in *Planning Code* Section 310.3 as consisting primarily of high-quality office development focusing on finance, corporate headquarters, and service industries, and serving as an employment center for the region. It permits office uses and retail sales (including restaurant) and

<sup>13</sup> The 222 Section Street Office Project (Case No. 2006.1106E) Draft EIR was published January 27, 2010. The Response to Comments document is under preparation.



personal services uses. The C-3-O District permits a base floor area ratio (FAR) of 9:1. In this district, a maximum FAR of 18:1 is permitted with TDR, and the project, as proposed, would have a FAR of 18:1. The proposed project's uses and density would be consistent with the C-3-O use district controls.

The project site is within the 550-S height and bulk district, which has a height limit of 550 feet; bulk limits for the lower and upper towers require setbacks so that the floor area decreases as the building height increases. At 355 feet, the proposed project would comply with the height limit. However, the project, as proposed, would require an exception due to the S bulk district controls, pursuant to *Planning Code* Section 309, for the upper tower portion of the building (above a height of 220 feet), which would exceed the maximum permitted floor area and diagonal plan dimension.

The project would require Planning Commission review and approval under Section 309, Permit Review in C-3 Districts, because the project would exceed 50,000 gross square feet and because the sponsor would seek exceptions, pursuant to Section 309, to the following *Planning Code* sections: bulk requirements (Section 270) because, as noted above, the project would exceed the *Code's* bulk limits at the upper tower; and requirement for separation of towers (Section 132.1)(c). The *Code* requirement, based on the building's 355-foot height, is a minimum tower setback of 19 feet from the centerline of adjacent street(s) and from interior property line(s). The project would have a setback of 15 feet from the eastern interior property line (adjacent to the building at 50 Beale Street), which would be penetrated by a 7.5-foot-deep mechanical element, and a setback of 7 feet from the northern interior property line (adjacent to the building at 45 Fremont Street). The project would comply with the setback requirement from abutting streets.<sup>14</sup>

In addition, the project may seek an exception to the *Code's* ground-level wind current requirements (Section 148) if it is determined that the project would not reduce existing exceedances of the pedestrian wind speed criterion and/or would result in exceedances of both the pedestrian and seating comfort criteria. Section 309 also permits the imposition of certain conditions in regard to such matters as a project's siting and design; view, parking, traffic and transit effects; energy consumption; pedestrian environment; and other matters. The proposed project would also be subject to review and approval pursuant to *Planning Code* Section 321 (Office Development: Annual Limit) and Sections 146 and 295, concerning shadow impacts.

The project would be required to comply with the Jobs-Housing Linkage Program (*Planning Code* Secs. 313 *et. seq.*), which would require that the project sponsor either fund the construction of 92 affordable housing units<sup>15</sup> or pay an in-lieu fee to the City in the amount of \$19.89 per gross square foot of office space.

The proposed project would provide on-site publicly accessible open space in the form of an indoor plaza within the ground floor and mezzanine (second) level of the building. *Planning Code* Sec. 138 requires

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<sup>14</sup> The setbacks from Fremont and Mission Streets, each of which is 82 feet, 6 inches in width, would be more than 41 feet.

<sup>15</sup> Based on 0.00027 housing units per gross square foot of office development and a project of 340,000 square feet of gross floor area, per *Planning Code* Section 313.5.



open space be provided at the rate of one square foot per 50 square feet of gross floor area in the C-3 Districts. The proposed project would include approximately 340,000 gross square feet and would thus be required to provide a total of about 6,800 square feet of open space. With 6,960 square feet of common usable open space in a publicly-accessible interior area, the project would exceed the *Planning Code's* open space requirement. The *Planning Code* considers such enclosed space that is available to the public to be "open space" for the purposes of this requirement.

*Planning Code* Section 151.1 permits off-street parking up to a maximum of 7 percent of building gross floor area for office uses in the C-3 Districts. The proposed floor area devoted to off-street parking would be 23,540 square feet, which would be within the permitted maximum amount, and the project would comply with Section 151.1. *Planning Code* Section 152.1 requires that the proposed project provide three off-street loading spaces.<sup>16</sup> However, Section 153(a)(6) allows the substitution in C-3 Districts of two service vehicle spaces for each required off-street freight loading space, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. The project proposes two full-size off-street loading spaces in the garage, along with two service vehicle spaces in the basement; together, these spaces would meet the *Planning Code* off-street loading requirement. The project would be subject to *Planning Code* Section 148 (ground-level wind current requirements) and Section 295 (shadow on certain public open spaces). Wind and shadow effects will be analyzed in the EIR. The project would also be subject to *Planning Code* Section 138.1, pedestrian streetscape improvements; Section 143, street trees, and Section 149, public art requirements; Section 139, downtown park fees; Section 163, transportation management and transportation brokerage services; Section 164, San Francisco Resident Placement and Training Program; Section 165, child care plans and child-care brokerage; Section 313 et. seq., Housing Requirements for Large-Scale Development Projects, and child care provision fees; Section 321, annual office development limit; as well as transit development impact fees under Article 38 of the *Administrative Code*. The project would also require building permits, which would require review and approval by the Planning Department and Department of Building Inspection. In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *Planning Code* to establish eight Priority Policies. These policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies, are: (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character (Question 1c, Land Use); (3) preservation and enhancement of affordable housing (Question 3b, Population and Housing, with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Questions 5a, b, and f, Transportation and Circulation); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Question 1c, Land Use); (6) maximization of earthquake preparedness (Questions 14 a-d, Geology and Soils); (7) landmark and historic building preservation (Question 4a, Cultural Resources); and (8) protection of open space (Questions 9 a and b, Wind and Shadow, and Questions 10a and c, Recreation). Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for

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<sup>16</sup> Calculation:  $0.1 \text{ space per } 10,000 \text{ sq. ft. of gross floor area (to closest whole number per Section 153).}$   
Thus,  $340,000 \div 10,000 \times 0.1 = 3.4$ , rounded to three spaces.

any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. As noted above, the consistency of the proposed project with the environmental topics associated with the Priority Policies is discussed in the Evaluation of Environmental Effects below and/or in the EIR, as applicable, providing information for use in the case report for the proposed project. The case report and approval motions for the project will contain the Department's comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

## **PLANS AND POLICIES**

### *San Francisco General Plan*

In addition to the *Planning Code* and zoning policies, the project site is subject to the *San Francisco General Plan (General Plan)*. The *General Plan* provides general policies and objectives to guide land use decisions. Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in Section E, Evaluation of Environmental Effects. The compatibility of the proposed project with *General Plan* policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project. Any potential conflicts identified as part of the process would not alter the physical environmental effects of the proposed project. The EIR will contain a discussion of project consistency with applicable *General Plan* Objectives and Policies.

### *Other Plans*

Environmental plans and policies, like the *Bay Area 2005 Ozone Strategy* and the *Sustainability Plan for San Francisco*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. In addition, the Planning Department is undertaking the Transit Center District Plan, which could affect development controls of and around the project site. The EIR will contain a discussion of project consistency with other applicable plans.

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## D. SUMMARY OF ENVIRONMENTAL EFFECTS

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor. Those environmental topics for which the proposed project may result in a potentially significant impact (and which will therefore be discussed in the EIR) and for which mitigation would be required to reduce a significant impact to a less-than-significant level are indicated in the list below.

<input type="checkbox"/> Land Use	<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Biological Resources
<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Geology and Soils
<input type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Wind and Shadow	<input type="checkbox"/> Hydrology and Water Quality
<input checked="" type="checkbox"/> Cultural and Paleo. Resources	<input type="checkbox"/> Recreation	<input checked="" type="checkbox"/> Hazards/Hazardous Materials
<input checked="" type="checkbox"/> Transportation and Circulation	<input type="checkbox"/> Utilities and Service Systems	<input type="checkbox"/> Mineral/Energy Resources
<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Public Services	<input type="checkbox"/> Agricultural and Forest Resources
		<input checked="" type="checkbox"/> Mandatory Findings of Significance

## E. EVALUATION OF ENVIRONMENTAL EFFECTS

<u>Topics:</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>	<u>Not Applicable</u>
<b>1. LAND USE AND LAND USE PLANNING— Would the project:</b>					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Land use impacts are considered significant if they conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Land use impacts are also considered significant if they divide the physical arrangement of an established community, or if they have a substantial impact upon the existing character of the vicinity. As noted in the Project Description, the project site is located in the C-3-O, Downtown Commercial Office Use District. In San Francisco's compact downtown office core area, where the project site is located, land uses consist of primarily commercial office and retail uses. Additional land uses in the project vicinity include a scattering of residential buildings and several educational institutions, as well as restaurants and hotels, along with cultural institutions.



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**Impact LU-1: The proposed project would not substantially conflict with or physically divide an established community. (Less than Significant)**

The proposed project would demolish the existing four-story building on the project site and replace it with a 24-story, 355-foot-tall office tower. The new building would be consistent with existing uses on the project block and across Fremont Street, as office is the predominant use in the project vicinity. Although a new residential building, the Millennium, is located across Mission Street, the proposed 350 Mission Street project would not alter the existing land use pattern of the project site and vicinity. It is assumed that existing tenants in the building on the project site, including Heald College, a private two-year college, would relocate in the general area, should they so desire. Because the proposed project would not introduce new land uses to the project area and would be constructed within the existing street and block layout, it would not physically divide an established community and the impact would be less than significant. This topic will not be discussed further in the EIR.

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**Impact LU-2: The proposed project would be consistent with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant)**

The proposed project would be consistent with the land use and density controls and with the height limit in the *San Francisco Planning Code*. As noted in the Project Description and in Section C, Compatibility with Existing Zoning and Plans, the proposed project would require exceptions to the *Planning Code* bulk limits for the building's upper tower. These exceptions may be granted pursuant to *Planning Code* Section 309, and they therefore do not represent an inconsistency with existing zoning or plans. Therefore the impact would be less than significant.

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**Impact LU-3: The proposed project would not have a substantial impact upon the existing character of the vicinity. (Less than Significant)**

The proposed project would introduce a larger building at the project site than currently exists and would therefore increase the density of office space on the site. However, in the context of downtown San Francisco, and of the South Financial District in particular, the project would represent a small increment of additional office space that would not substantially alter the character of the area, which is dominated by office towers and represents the greatest concentration of office employment in the Bay Area. Therefore, the proposed project would not result in a substantial change in the character of the vicinity, and the impact would be less than significant.

**Impact LU-4: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would result in less-than-significant cumulative impacts to land use. (Less than Significant).**

Implementation of the proposed project, in combination with the projects discussed in "Project Setting," above, would further increase office and residential development around the Transbay Terminal. The Planning Department is currently undertaking the Transit Center District Plan, which would require a programmatic evaluation of the environmental impact of the portion of these developments beyond existing controls. In addition, project-specific environmental review is required for each of the cumulative projects, as it is for the proposed 350 Mission Street project. The planned additional high-rise buildings in the project vicinity would not substantially and adversely alter the prevailing mix of land uses that is dominated by office development and includes residential, hotel, and cultural uses along with ground-floor retail and restaurants. The proposed project, in combination with cumulative development, would have a less-than-significant impact.

Based on the above, the proposed project would not result in a significant effect with respect to land use, either individually or cumulatively. However, the EIR will include a discussion of land use for informational purposes. The EIR will also include a discussion of the applicable planning and zoning as well as an evaluation of the project's consistency with such regulations, also for informational purposes. The EIR will also discuss the project's relationship to the Downtown Plan.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>2. AESTHETICS—Would the project:</b>					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact AE-1: The proposed project would have a less-than-substantial effect on scenic views and vistas. (Less than Significant)**

The proposed project would alter views of the project site by increasing the scale of development from a four-story building to a 24-story, 355-foot-tall office tower (approximately 370 feet with mechanical equipment and screening of that equipment). Although the project would change the views available at the pedestrian level and from nearby streets and sidewalks, long-range views in the vicinity of the project site would not be altered, as the proposed project would not be tall enough to be visible over the existing buildings surrounding the site. In overall height, the proposed project would be about 50 feet taller than the building to the east (50 Beale Street), and would be shorter, by 100 feet to several hundred feet, than nearby buildings to the north (45 Fremont Street), east (50 Fremont Street, across Fremont street from the project site), and south (Millennium tower, across Mission Street). Together, these surrounding buildings, along with the 12-story mid-rise portion of the Millennium project at the southwest corner of Mission and Beale Streets, would serve to obstruct the proposed project from most mid- and long-range views, except for very partial views of the new building's edges from Mission and Fremont Streets. The one place where the project would be clearly visible from a block away or more would be Howard Street between Beale and Main Streets, where the proposed project would be visible over the mid-rise Millennium building (and, near Beale Street, between the two Millennium buildings). In these views, however, the project would appear against the backdrop of other existing high-rises, and would not obstruct scenic views, nor would the project contribute substantially to any significant cumulative impact with respect to scenic views.

**Figure 6** presents a map of viewpoints presented in this analysis. Figures 7 – 11, pp. 23--27, present a series of photographs from vantage points on the streets surrounding and near the site, along with photomontages depicting the proposed project. As seen in the figures, the project site is visible in short-range views from surrounding streets. Figures 7 and 8, pp. 23 and 24, show the project site, and a visual simulation of the proposed project, from locations about 200 feet south of the project site on Fremont Street and west of the site on Mission Street, respectively. From these locations, the proposed project would alter the view of the project site by replacing a building that is much smaller than surrounding structures with one that is comparable in height and mass to the nearby high-rises.

In the view looking southeast towards the site from Fremont Street between Mission and Market Streets (Figure 11, p. 27), the project would “fill in” an area where the sky is now visible over the existing building on the project site (this viewpoint is looking towards Howard Street between Beale and Main, described above). However, as with the view from Howard Street, the project would not obstruct or obscure any scenic vistas. This topic will not be discussed further in the EIR.

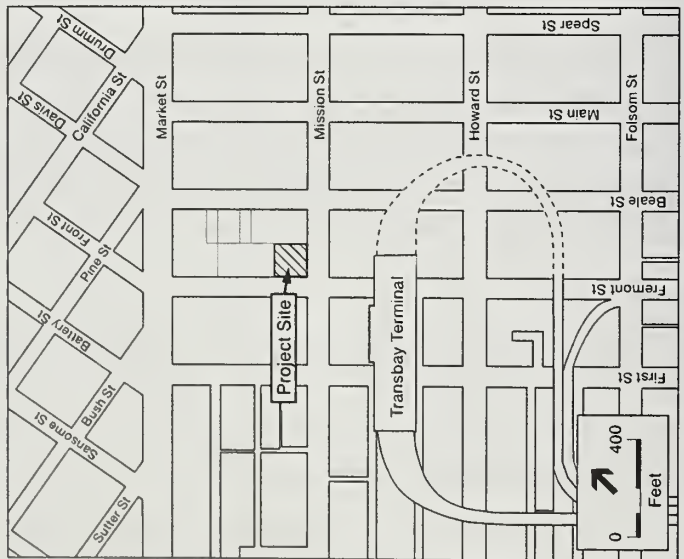
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**Impact AE-2: The proposed project would not substantially damage any scenic resources. (No Impact).**

No scenic resources exist on or adjacent to the project site. There would be no effect on scenic resources. This topic will not be discussed further in the EIR.

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Existing Setting



Visual Simulation

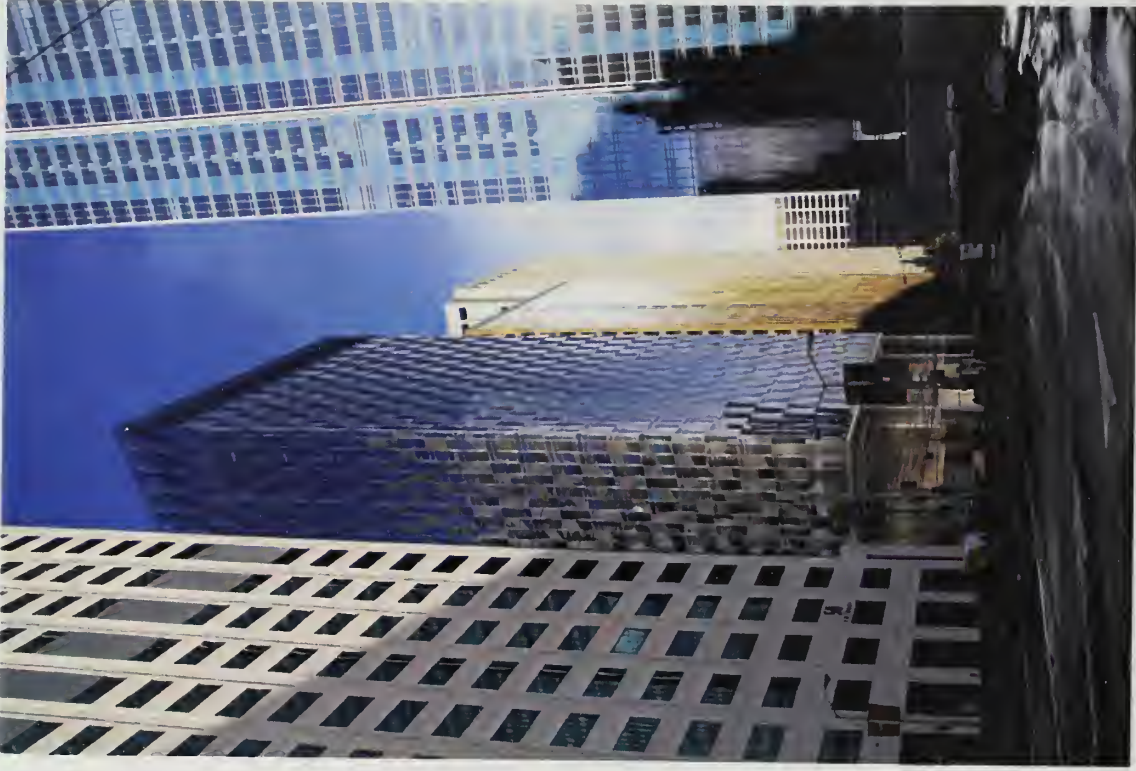
Case No. 2006.1524E: 350 Mission Street . 207037  
**Figure 7**  
 Viewpoint 1: Looking North on Fremont Street from  
 South of Mission Street





Existing Setting

Visual Simulation







Existing Setting



Visual Simulation

Case No. 2006.1524E: 350 Mission Street . 207037

SOURCE: Skidmore Owings & Merrill; Steel Blue LLC

**Figure 9**

Viewpoint 3: Looking North on Fremont Street from  
Southeast Corner of Mission and Fremont Streets



Existing Setting



Visual Simulation





Existing Setting



Visual Simulation

Case No. 2006.1524E: 350 Mission Street . 207037

SOURCE: Skidmore Owings & Merrill; Steel Blue LLC

**Figure 11**



**Impact AE-3: The proposed project would result in a change to the existing character of the project site, but this change would not degrade the visual character or quality of the site and its surroundings. (Less than Significant).**

The proposed project would alter the visual character of the project site by replacing a building that is much smaller than surrounding structures with one that is comparable in height and mass to the nearby high-rises. Moreover, the approximately 55-foot-tall ground floor and mezzanine (second level) would, together, present a five-story atrium that would represent a visual departure from the existing building by replacing the existing structure's traditional "punched" windows and storefronts with an open character. Figures 9 and 10, pp. 25 and 26, highlight this change by presenting closer-in views from across Mission Street, looking northeast and northwest, respectively, towards the project site. Although the proposed project would present a different character than the existing building, the change would not result in a negative impact to existing visual character that would be considered adverse.

Above the five-story atrium, the project's façade would be clad in a glass curtain wall, similar to many structures in the vicinity. The ground floor-and-mezzanine atrium would have large expanses of clear glass that would give it a substantially "open" appearance, and portions of the ground floor would be open to the sidewalk during the day, intended to further emphasize the "lightness" of this portion of the building, which would be the project's key design feature.

Because the proposed project would develop a building that would be comparable in height and mass to surrounding and nearby structures, because the proposed building would not obviously conflict with the design of other buildings in the vicinity, effects related to visual character would be less than significant. This topic will not be discussed further in the EIR.

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**Impact AE-4: The proposed project would create a new source of light and glare, but not to an extent that would adversely affect day or nighttime views in the area or which would substantially impact other people or properties. (Less than Significant).**

While the project would result in some new night lighting, visible through project windows, such lighting would occur in an established urban downtown where night lighting already occurs. Exterior lighting at building entryways would be positioned to minimize glare. Thus, the changes in lighting would not be in excess of that commonly found and accepted in urban areas, and environmental effects of light and glare due to the project would not be significant. The project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. Thus, the project would not produce glare affecting other properties. In view of the above, the project would not result in a significant light and glare impact.

In light of the above, effects related to aesthetics would not be significant, either individually or cumulatively, and this topic will not be discussed in the EIR.

**Impact AE-5: The proposed project, in combination with past, present, and reasonably foreseeable future development in the site vicinity, would result in less-than-significant impacts to aesthetic resources. (Less than Significant)**

As stated under Impact AE-2, the proposed project would have no impact on scenic resources. Therefore, it would not make a substantial contribution to cumulative impacts to scenic resources.

Combined with cumulative development described in the "Project Setting," the proposed project would result in a change to the character of the project site vicinity and the area around the Transbay Terminal. However, this change would not result in a negative impact to existing visual character that would be considered adverse. Instead, it would continue the trend of gradual transition from the existing character of the project vicinity to the expansion of high-rise office buildings envisioned in the proposed Transit Center District Plan . From long-range views, the project would appear similar or smaller than a number of existing or planned high-rise buildings and would not significantly affect views. Therefore, the proposed project would not have significant cumulative aesthetic impacts. This topic will not be discussed further in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>3. POPULATION AND HOUSING— Would the project:</b>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact PH-1: The proposed project would not induce substantial population growth in San Francisco, either directly or indirectly. (Less than Significant)**

San Francisco consistently ranks as one of the most expensive housing markets in the United States. San Francisco is the central city in an attractive region known for its agreeable climate, open space and recreational opportunities, cultural amenities, strong and diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support strong housing demands in the City. New housing to relieve the market pressure created by the strong demand is particularly difficult to provide in San Francisco because the amount of land available is limited, and because land and development costs

are high. Approximately 338,920 households resided in San Francisco in 2005. By 2030, San Francisco households are expected to increase to 400,700 households, an increase of more than 18 percent.<sup>17</sup> San Francisco's employment is projected to grow from about 553,090 employees in 2005 to about 748,100 employees in 2030, an increase of 35 percent.<sup>18</sup>

The existing uses on the project site employ 150 people, and the existing school (Heald College) has an enrollment of approximately 800 daytime students and 400 evening/night students. The project would construct a new office building with approximately 362,600 square feet of office and restaurant/retail space (about 340,000 square feet of gross floor area, measured according to the *Planning Code*, and about 452,300 square feet of total building area). Demolition of the existing building on the site would potentially displace the existing employees who currently work on the site, although it can be assumed for purposes of a conservative assessment of employment that existing tenants in the building on the project site, including several retail tenants and Heald College, would relocate in the general area, should they so desire. At full occupancy, the project would house about 1,290 office employees and about 19 restaurant/retail employees.<sup>19</sup> Some of these would likely be new employees; some would relocate from other San Francisco office buildings. Therefore, project-related employment growth would constitute about 1.3 percent of citywide employment growth by the year 2025, assuming that all employees in the project would be new to San Francisco; in reality, some workers at the project will be likely to have relocated from other jobs in San Francisco. This potential increase in employment would be minimal in the context of the total employment in greater San Francisco.

Based on a nexus study prepared for the Jobs-Housing Linkage Program (*Planning Code* Secs. 313 *et. seq.*), the project would create a demand for about 441 new dwelling units in San Francisco, assuming that all employees at the project were new to San Francisco.<sup>20</sup> (As noted above, some workers at the project will be likely to have relocated from other jobs in San Francisco.)

This demand for 441 dwelling units would add to existing strong housing demand in the City. Housing demand in and of itself is not a physical environmental effect, but an imbalance between local employment and housing can lead to long commutes with traffic and air quality impacts. Traffic and air quality issues will both be analyzed in the EIR. Some employees of the project who could afford to purchase or rent market-rate housing in San Francisco would be likely to live in San Francisco, while others would choose to live elsewhere in the Bay Area. Many others would not be able to afford to live in the City. For example, based on Census 2000 data, the greatest number of workers living in San Francisco

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<sup>17</sup> Association of Bay Area Governments (ABAG). *Projections and Priorities 2009: Building Momentum*.

<sup>18</sup> ABAG growth forecasts, cited in Note 17; San Francisco Planning Department growth forecasts, cited in *Candlestick Point-Hunters Point Shipyard Phase II Development Plan EIR*, Case No. 2007.0946E; Draft EIR published November 12, 2009.

<sup>19</sup> Employment calculations in this section are based on the City of San Francisco *Transportation Impact Analysis Guidelines*, which estimate an average density of 350 square feet per employee assigned to restaurant/retail space (about 6,600 square feet of total floor area), and 276 square feet per employee assigned to office uses (about 356,000 square feet of total floor area).

<sup>20</sup> This method uses the estimated project-related increase in employment (1,308 employees) by the fraction of San Francisco employees who live in the City (55%). This result, the approximate number of project-related employees who would live in the City (719), is divided by the average number of San Francisco workers in households where San Francisco workers reside (1.63). The estimated housing demand would be 440 units ( $3,308 \times 0.55 \div 1.63 = 441$ ).



worked in office and administrative support capacities, and these employees had a median annual wage of just over \$38,000. On the other hand, the second largest number of workers living in San Francisco were in management occupations, earning a median of more than \$111,000.<sup>21</sup> Employees who could not afford market-rate housing would be forced to look for housing elsewhere, and would not have the option of living nearby (unless, for example, they chose to live in crowded conditions with others). This diminished housing choice could have physical implications, such as longer commutes that would generate more traffic and more pollutant emissions. The proposed project would be required to comply with the Jobs-Housing Linkage Program (*Planning Code* Secs. 313 *et. seq.*), which would require that the project sponsor either fund the construction of 92 affordable housing units<sup>22</sup> or pay an in-lieu fee to the City in the amount of \$19.89 per gross square foot of office space, or approximately \$8.57 million, or to employ a combination of housing construction and in-lieu fee. Compliance with the Jobs-Housing Linkage Program would not fully meet the increased demand for affordable housing that would be generated by the proposed project. However, the Jobs-Housing Linkage Program would substantially reduce the affordable housing demand that the project would otherwise generate, rendering any potential project impact less than significant, both individually and cumulatively.

In general, a project would be considered growth-inducing if its implementation would result in substantial population increases and/or new development in other nearby areas that might not occur if the project were not approved and implemented, particularly if the project would facilitate growth by removing a major obstacle to development in a particular area (such as by provision of major new public services to an area where those services are not currently available). The proposed project would consist of development of a single office tower on a site currently in a heavily developed area of downtown San Francisco, in a manner consistent with the Downtown Plan and existing zoning on the site. The proposed project would not necessitate or induce the extension of municipal infrastructure. The project would be constructed in an area that makes up the City's South Financial District and has also been the location of other recent office and residential development. As such, the proposed project would not be expected to substantially alter development patterns in Downtown or elsewhere in San Francisco. The site is also near the focus of continuing high-density residential development on Rincon Hill and planned development in the Transbay Redevelopment Area. As a result, the project could potentially provide employment for some nearby residents.

The proposed project would consist of infill in a developed urban area, with services and transit available, and could be considered a response to the increasing mixed-use character of the project vicinity, as much as a potential inducement to further growth. To the extent that employees in the project's new office tower were to live nearby, the project would result in substantially less impact on transportation systems and air quality than would development of a similar amount of office space in a more outlying part of the Bay Area where fewer services and less transit access is provided. Moreover,

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<sup>21</sup> Hausrath Economics Group, *Eastern Neighborhoods Rezoning: Socioeconomic Analysis*, Draft for Public Review, March 2007. Available on the internet at: [http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/SEIA\\_DRAFT\\_for\\_Public\\_Review.pdf](http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/SEIA_DRAFT_for_Public_Review.pdf).

<sup>22</sup> Based on 0.00027 housing units per gross square foot of office development and a project of 340,000 square feet of gross floor area, per *Planning Code* Section 313.5.

the proposed project would be developed in an existing established employment center—downtown San Francisco—that is served by existing infrastructure, including transit. That is, the project would not create a substantial concentration of new employment in an area that is lacking basic services that would have to be newly provided for.

In view of the above, there is no reason to conclude that the project would result in substantial additional development in the project site vicinity that would not otherwise occur, and the project thus would not result in substantial inducement to further growth. This topic will not be discussed further in the EIR.

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**Impact PH-2: The proposed project would not displace substantial numbers of people or existing housing units or create demand for additional housing, necessitating the construction of replacement housing. (No Impact)**

No housing exists on the project site, and thus the project would not displace any housing units or create the need for replacement housing. This topic will not be discussed further in the EIR.

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**Impact PH-3: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would have a less-than-significant impact on population and housing. (Less than Significant).**

Although the proposed project would increase the daytime population of the site compared to existing conditions, this increase would not be considered substantial, for the reasons discussed above. As also discussed above, the proposed project would not displace substantial numbers of people or existing housing units. Cumulative development in the project vicinity would be primarily commercial office development, as envisioned in the Transit Center District Plan and described in “Project Setting,” above. Similarly, this cumulative office development (separate from the proposed project) would not displace substantial numbers of people or housing units. This cumulative office development could increase housing demand in the greater San Francisco area.

Therefore, the impact on population and housing would not be considered a significant effect, nor would the project contribute to any potential cumulative effects related to population and housing. This issue will not be discussed in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>4. CULTURAL RESOURCES— Would the project:</b>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the <i>San Francisco Planning Code</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact CP-1: The proposed project would demolish the existing building at 350 Mission Street, which is not considered historically significant for the purposes of CEQA, and would have a less-than-significant impact on historic architectural resources. (Less than Significant)**

The existing building on the project site is a Category V, Unrated, building in the Downtown Plan and in Article 11 of the *Planning Code*. The building was evaluated as part of the historical resources background study for the proposed Transit Center District Plan; a summary of that evaluation is presented here.<sup>23</sup>

The 350 Mission Street building was designed by noted architect George Applegarth, and built in 1923, on behalf of a family owned real estate firm, the Cebrian Company, which had been founded by Edward and Louis Cebrian. The building was apparently built as a speculative real estate venture, and it was subsequently occupied by textile companies such as the pattern-maker Butterick Company, and by publishing house offices such as that of the MacMillan Company.

Architect George Applegarth, trained at the Ecole des Beaux-Arts in Paris, was responsible for such important San Francisco buildings as the Palace of the Legion of Honor in Lincoln Park and the Clift Hotel. Much later in his illustrious career, he designed the first double-spiral ramp, multi-story, self-parking structure in San Francisco, the Downtown Center Garage at O'Farrell and Mason streets, in 1953. Applegarth is best-known for his Beaux-Arts influenced designs for several large single-family homes in prestigious neighborhoods such as Presidio Terrace and Presidio Heights.

Although the 350 Mission Street building is associated with an important architect, the evaluation concluded that the building does not appear to be eligible for the California Register or for designation at the local level due to the extensive alterations that have occurred since its construction, including

<sup>23</sup> Kelley & VerPlanck Historical Resources Consulting, *Transit Center District Survey, San Francisco, California*. Final Report, September 11, 2008. Prepared for the San Francisco Planning Department. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2006.1524E.



replacement of all the upper-story windows and installation of anodized aluminum storefronts. According to the report, "the building is not associated with any significant events or persons," and because of the remodeling, "the building is no longer representative of its type: a concrete loft building of the 1920s. Due to the extent of the alterations, the building no longer retains sufficient integrity to convey its original appearance." Thus, the 350 Mission Street building is not considered a historical resource for purposes of CEQA.

The existing eastern boundary the New Montgomery-Second Street Conservation District is between First Street and Second Street, two blocks east of the project site. As part of the Transit Center District Plan, the Conservation District's boundaries are proposed to be modified, including through an expansion eastward to encompass additional parcels along Mission Street and Natoma Street. The Conservation District would be renamed as the "New Montgomery-Mission-Second Street (NMMS) Conservation District." The 350 Mission project site is not within the existing district or the proposed expansion.

Because the existing 350 Mission Street building is not considered a historical resource under CEQA, and because the project site is not within an existing or proposed historic district, the proposed project would have a less-than-significant effect on historical resources. This topic will not be discussed further in the EIR.

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**Impact CP-2: The proposed project would result in damage to, or destruction of, as-yet unknown archaeological or human remains, should such remains exist beneath the project site. (Potentially Significant)**

The existing building occupies the entire project site. It has a single basement level, with the top of the floor slab about 9 feet below sidewalk grade. The soil beneath the basement slab generally consists of up to 13 to 17 feet of undocumented fill (i.e., fill placed during the original reclamation of the site from San Francisco Bay, in the 19th century, when placement of fill was substantially unregulated). Beneath the fill is a layer of so-called Bay Mud, to a depth of about 50 feet below grade, which is below the maximum level of proposed excavation. Groundwater is very shallow, at a depth of less than 10 feet below grade.<sup>24</sup>

An archeological research design and treatment plan (ARD/TP)<sup>25</sup> has been prepared for the proposed Transit Center District Plan. The ARD/TP included an individual archaeological sensitivity analysis of the project site; its findings are summarized in this section. The assessment includes a discussion of archival investigation, a determination of archaeological sensitivity, and a summary of recommendations. It is summarized below.

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<sup>24</sup> Treadwell & Rollo, *Geotechnical Investigation, 350 Mission Street, San Francisco, California*, August 21, 2008. A copy of this report is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2006.1524E.

<sup>25</sup> Far Western Anthropological Research Group, Inc. *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California*. February 2010.

In November 2008, four cores were excavated to depths ranging from approximately 9 feet to 24 feet below basement surface. The cores documented the artificial fill, containing primarily sand, rubble, and historic-era artifacts, to a maximum depth of approximately 13.5 feet below basement surface. The artificial fill was underlain by bay mud deposits to at least 24 feet below basement surface. No prehistoric archaeological resources were encountered in any of the cores. In addition, the site was historically situated within bay waters and was partially submerged until 1854, and pre-bay terrestrial surface has been eroded. Therefore, the project site has a low potential for buried prehistoric archaeological resources.

Prior to 1849, the block bounded by Market Street, Beale Street, Mission Street, and Fremont Street (including the project site), was submerged. The entire block was filled by 1854, and by 1868, the project site vicinity was populated with foundries and machine shops. The project site was occupied by Henry's machine shop by 1877. The complex was destroyed in the 1906 earthquake, and the project site remained vacant until completion of construction of the current building in 1923 (see **Impact CP-1**, above).

Previous archaeological investigations immediately north of the project site during the 1970s revealed a Gold Rush-era dump. The material was sited approximately 13 to 20 feet below street level. Some of these deposits may extend into the project site subsurface. These potential archeological resources would have to be exposed and documented before a final assessment of their historical significance can be made. Therefore, the project would have the potential to adversely impact CEQA-significant archaeological resources.

Implementation of Mitigation Measure M-CP-2 would reduce the impact to archaeological resources to a less-than-significant level. This topic will not be discussed further in the EIR.

#### **Mitigation Measure M-CP-2—Archaeological Resources**

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the Transit Center District Plan archeological research design and treatment plan (Far Western Anthropological Research Group, Inc., *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California*, February 2010) at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a

less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5 (a) and (c).

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program (AMP) shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation



with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.

- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**Impact with Mitigation Incorporation: Less than Significant.**

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**Impact CP-3: The proposed project would result in a less-than-significant impact to paleontological resources. (Less than Significant)**

There are no known paleontological resources at the project site. As described more fully in Section E.13, Geology and Soils, the project site is underlain to the proposed depth of excavation primarily by artificial

fill and marine deposits. The fill does not typically contain paleontological resources (fossils), and the marine deposits are relatively young in age and thus are unlikely to contain rare or important fossilized remains. Therefore, the project would not result in any adverse effects on paleontological resources. This topic will not be discussed further in the EIR.

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**Impact CP-4: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would result in less-than-significant cumulative impacts to cultural resources. (Less than Significant)**

Given that the 350 Mission Street building is not considered a historical resource for purposes of CEQA, the proposed project would not considerably contribute to a cumulative impact to historic architectural resources. In addition, as stated under Impact CP-3, above, there are no known paleontological resources at the project site, and the underlying fill is not of the type that would typically contain paleontological resources. Therefore, the proposed project would not considerably contribute to any cumulative impact to paleontological resources.

Cumulative development in the project vicinity described in the "Project Setting" that could potentially impact archaeological resources would be required to implement mitigation measures similar to those of the proposed project, reducing their project-specific impacts to less-than-significant levels. In combination with the proposed project, these individually less-than-significant impacts, when combined, would not result in a significant cumulative impact to archaeological resources. This topic will not be discussed further in the EIR.

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<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>5. TRANSPORTATION AND CIRCULATION— Would the project:</b>					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project would not result in a change in air traffic patterns, and thus would not result in substantial safety risks related to air traffic. Therefore, topic 5c is not applicable to the proposed project.

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**Impact TR-1: The proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (Potentially Significant)**

The introduction of intensified office and retail/restaurant use, and the trips generated by those uses, would result in increased demand on the local transportation system, including increased transit demand, parking demand and traffic, which could result in significant transportation impacts.

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**Impacts TR-2: The proposed project could conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, established by the county congestion management agency for designated roads or highways. (Potentially Significant)**

The introduction of intensified office and retail/restaurant use, and the trips generated by those uses, would result in increased demand on the local transportation system, including increased transit demand, parking demand and traffic, which could result in significant transportation impacts.

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**Impacts TR-3: The proposed project could result in substantially increased hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. (Potentially Significant)**

The introduction of intensified office and retail/restaurant use, and the trips generated by those uses, would result in increased demand on the local transportation system, including increased transit demand, parking demand and traffic, which could result in significant transportation impacts.

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**Impacts TR-4: The proposed project could result in inadequate emergency access. (Potentially Significant)**

The introduction of intensified office and retail/restaurant use, and the trips generated by those uses, would result in increased demand on the local transportation system, including increased transit demand, parking demand and traffic, which could result in significant transportation impacts.

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**Impacts TR-5: The proposed project could conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes. (Potentially Significant)**

The introduction of intensified office and retail/restaurant use, and the trips generated by those uses, would result in increased demand on the local transportation system, including increased transit demand, parking demand and traffic, which could result in significant transportation impacts.

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**Impacts TR-6: The proposed project, in combination of past, present, and reasonably foreseeable future projects, could result in significant cumulative impacts. (Potentially Significant).**

The introduction of intensified office and retail/restaurant use, and the trips generated by those uses, would result in increased demand on the local transportation system, including increased transit demand, parking demand and traffic, which could result in significant transportation impacts.

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Project effects on transportation and circulation, including intersection operations, transit demand and impacts on pedestrian and bicycle circulation, parking and freight loading, as well as construction impacts, will be analyzed in the EIR.

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Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
<b>6. NOISE—Would the project:</b>					
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip. Therefore, topics 6e and 6f are not applicable.

**Impact NO-1: The proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, and it would not expose persons to noise levels in excess of standards established in the local general plan or noise ordinance. (Less than Significant).**

The Environmental Protection Element of the *San Francisco General Plan* contains Land Use Compatibility Guidelines for Community Noise.<sup>26</sup> These guidelines, which are similar to state guidelines promulgated by the Governor's Office of Planning and Research, indicate maximum acceptable noise levels for various newly developed land uses. For office uses, the maximum "satisfactory" noise level without incorporating noise insulation into a project is 70 dBA (Ldn), while the guidelines indicate that office development should be discouraged at noise levels above 75 dBA (Ldn).<sup>27</sup> Where noise levels that exceed

<sup>26</sup> *San Francisco General Plan*, Environmental Protection Element, Policy 11.1.

<sup>27</sup> Sound pressure is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 dB to 140 dB corresponding to the threshold of pain. Because sound pressure can vary by over one trillion times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Owing to the variation in sensitivity of the human ear to various frequencies, sound is "weighted" to emphasize



satisfactory level (i.e., 70 dBA), a detailed analysis of noise reduction requirements will normally be necessary prior to final review and approval. Based on modeling of traffic noise volumes conducted by the San Francisco Department of Public Health,<sup>28</sup> the traffic noise level in the project area vicinity is up to about 79 dBA (Ldn) on Fremont Street. A 24-hour noise measurement at the project site Fremont Street side found that existing noise levels are 76.5 dBA (Ldn), with a daytime (7:00 a.m. to 10:00 p.m. noise level of 73.3 dBA (Leq). Hourly noise levels ranged from 63.8 dBA at 3:00 a.m. hour. to 77.4 dBA during the 8:00 a.m. hour. Given that the proposed project would contain office and retail/restaurant uses, which are not considered sensitive receptors for noise, it is anticipated that conventional construction techniques, including the use of noise-insulated glass, would result in reduction of interior noise levels of up to 30 dBA, resulting in levels adequate for the proposed uses. Accordingly, the impact of interior noise on the proposed project would be less-than-significant, and no further analysis is required.

**Traffic Noise.** Generally, traffic must double in volume to produce a noticeable increase in noise levels. Based on trip generation calculations prepared for the project, most trips to the project site would be made via transit and by foot. The project would generate 72 new vehicle trips during the p.m. peak hour. These additional trips, as well as cumulative traffic growth, would not double traffic volumes on area streets. Therefore, the project would not cause a noticeable increase in the ambient noise level in the project vicinity, nor would the project contribute considerably to any potential cumulative noise effects.

**Operational Noise.** The proposed project would include mechanical equipment, such as air conditioning units and chillers, which could produce operational noise. These operations would be subject to Section 2909 of the San Francisco Noise Ordinance, Article 29 of the *San Francisco Police Code*. As amended in November 2008, this section establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line: for noise generated by residential uses, the limit is 5 dBA in excess of ambient, while for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient and for noise on public property, including streets, the limit is 10 dBA in excess of ambient.<sup>29</sup> In addition, the Noise Ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night and 55 dBA during the day and evening hours. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, operational noise would not be significant. This topic will not be discussed further in the EIR.

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**Impact NO-2: During construction, the proposed project would result in a temporary or periodic increase in ambient noise levels and vibration in the project vicinity above levels existing without the project. (Potentially Significant)**

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frequencies to which the ear is more sensitive, in a method known as A-weighting and expressed in units of A-weighted decibels (dBA).

<sup>28</sup> Traffic noise map presented on DPH website: <http://www.sfdph.org/dph/EH/Noise/default.asp>.

<sup>29</sup> Entertainment venues are also subject to a separate criterion for low-frequency (bass) noise.

Demolition, excavation, and building construction would temporarily increase noise in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. According to the project sponsor, the construction period would last approximately 22 months beginning in late 2010. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Impacts would generally be limited to the period during which new foundations and exterior structural and facade elements would be constructed. Interior construction noise would be substantially reduced by the presence of exterior walls.

As stated in the project description, the project is proposed to be constructed on a mat foundation, and thus pile-driving would not be required. Should the foundation concept be revised and a pile-supported foundation be proposed, or should pile-driving otherwise be required, noise impacts could be significant. Pile driving can generate noise levels in excess of 100 dBA at 50 feet each time the hammer strikes the pile. While potentially more startling than constant noise levels, pile driving noise is intermittent, occurring only when a pile is being driven, with breaks when driving one pile is complete and another is being placed in position. In the event that pile driving is determined to be required, the project sponsor would implement Mitigation Measure M-NO-2a (Noise Control Measures for Pile Driving), p. 46, which would reduce potential pile-driving noise impacts to a less-than-significant level. Moreover, as noted, the project sponsor would be required to comply with measures required for impact tools in Section 2907(b) of the *Police Code*. As a result, adverse impacts from construction noise upon sensitive receptors near the project site would be reduced to a less-than-significant level.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*), amended in November 2008. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (jackhammers, hoerammers, impact wrenches) must have both intake and exhaust mufflers as well as be equipped with acoustically attenuating shields or shrouds to the satisfaction of the Director of Public Works or the Director of Building Inspection. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works or the Director of Building Inspection. The project must comply with regulations set forth in the Noise Ordinance.

The closest sensitive noise receptors to the project site that have the potential to be adversely affected by construction noise are the residential units in the Millennium Tower, across Mission Street from the project site, and a child care facility located about one block away, in the PG&E building at 77 Beale Street. Closed windows typically can reduce daytime interior noise levels to an acceptable level. Nevertheless, because of the proximity to these receptors, implementation of Mitigation Measure M-NO-2b (General Construction Noise Control Measures), p. 46, would be required to reduce construction noise to a less-than-significant level. Therefore, although construction noise could be annoying at times, with mitigation, construction noise would not be expected to exceed noise levels commonly experienced in an urban environment, and would not be considered significant.



To the extent that other construction projects are proposed or undertaken in close enough proximity to the project site such that cumulative effects related to construction noise would be anticipated, noise effects would be greater or last longer, or both. The project site is across the street from the planned new Transit Center (replacement for the Transbay Terminal) and is within the area of the proposed Transit Center District Plan, which could facilitate construction of several additional high-rise buildings. Additionally, the proposed underground extension of Caltrain service to the Transit Center, while it would occur beneath Second Street (two blocks east of the project site) would cause additional noise and vibration impacts if it is funded and built.

Construction of the planned new Transit Center is anticipated to begin in 2012, meaning that construction of the proposed 350 Mission Street project could overlap with work on the Transit Center. However, the earlier stages of construction of a high-rise building, such as excavation and foundation construction, are typically the noisiest, and these stages of the proposed project could be complete prior to the start of work on the Transit Center. The proposed 1,000-foot-tall Transit Tower, which would be built diagonally across the Mission/Fremont Street intersection from the project site, does not currently have a defined construction schedule, and construction of that project and the 350 Mission Street project is unlikely to occur concurrently.

The Transit Center District Plan envisions at least half a dozen additional new buildings within about 500 feet of the project site, and two of these projects—at 181 Fremont Street and at 50 First Street—have developers actively pursuing entitlements, while the others do not. If construction on either of these projects were to overlap with work on the 350 Mission Street project, noise levels could intermittently be increased, compared to construction on a single project. Other potential projects in the Transit Center District area would be too far from the 350 Mission Street site to result in substantial overlap with regard to construction noise, even if they were to proceed concurrently with the proposed project.

The construction of the proposed Caltrain Downtown Extension would temporarily introduce a new source of noise and vibration into the project area. However, this work would be underground and more than 500 feet from the project site, and therefore would not contribute to cumulative impacts from the 350 Mission Street project.

In the event that one or more nearby projects were to be undertaken at the same time as the proposed project, the Planning Department and the Departments of Building Inspection, Public Works, and Public Health, along with the Transbay Joint Powers Authority (sponsor of the Transit Center) and the Peninsula Joint Powers Board (sponsor of the Caltrain extension), would be expected to work to ensure that all projects comply with the San Francisco Noise Ordinance and that project construction schedules are coordinated so as to minimize, to the extent feasible, construction noise that could be disruptive. Mitigation Measure M-NO-2c, p. 47, would ensure that construction noise from various projects in the area is reduced to the maximum extent feasible. This topic will not be discussed further in the EIR.



#### **Mitigation Measure M-NO-2a: Noise Control Measures for Pile Driving**

- Should pile-driving be necessary for the proposed project, the project sponsor would require that the project contractor pre-drill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving.
- Should pile-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in the least disturbance to neighboring uses. Any nighttime work would require a work permit from the Director of Public Works or the Director of Building Inspection pursuant to San Francisco Noise Ordinance Section 2908.

#### **Mitigation Measure M-NO-2b: General Construction Noise Control Measures**

To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor would undertake the following:

- The project sponsor would require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- The project sponsor would require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.
- The project sponsor would require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.
- The project sponsor would include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.
- Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.

### **Mitigation Measure M-NO-2c: Cumulative Constriction Noise Control Measures**

- In addition to implementation of Mitigation Measure NO-2a and Mitigation Measure NO-2b (as applicable), prior to the time that construction of the proposed project is completed, the project sponsor would cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored areawide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive.

**Impact with Mitigation Incorporation: Less than Significant.**

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### **Impact NO -3: The proposed project would not be substantially affected by existing noise levels. (Less than Significant)**

Ambient noise levels in the project vicinity are typical of noise levels in Downtown San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, and emergency vehicles. Mission and Fremont Streets both experience relatively heavy traffic and generate moderate to high levels of traffic noise. Observation during weekday business hours by the environmental consultant indicates that surrounding land uses do not conduct noticeably noisy operations.

With regard to effects of the ambient area noise on project occupants, the proposed project would include a noise-reducing dual-pane glass assembly in its glazing system, which would reduce outdoor noise levels by up to 30 dBA, sufficient to ensure an adequately quiet interior noise environment for office use. The DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the development meet State standards regarding sound transmission. This would avoid any significant effect on project occupants. Because surrounding land uses do not generate substantial noise, no adverse effect on project occupants due to ambient noise is anticipated. This topic will not be discussed further in the EIR.

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### **Impact NO-4: The proposed project, in combination with past, present, and reasonably foreseeable future projects, would result in less-than-significant cumulative noise impacts.**

As noted above, several other high-rise and/or sizable projects are proposed within the project vicinity, including the planned 1,000-foot-tall Transit Tower diagonally across the intersection of Fremont and Mission Streets from the project site and the planned new Transbay Transit Center itself. Depending on schedules, there could be overlap in construction of one or more project(s) and the proposed 350 Mission Street project. However, each project would be required to implement mitigation and other noise control measures, and therefore construction noise would be reduced to the maximum extent feasible. Moreover, for each project, the period of noisiest activity would be much less lengthy than the duration of the entire construction period, substantially reducing the potential for overlap between projects' phases of

maximum construction noise. Given this, and given that the proposed 350 Mission Street project would not include pile-driving, which is typically the most disruptive activity in terms of construction noise, the proposed project would not contribute considerably to any potential cumulative construction noise impacts.

Concerning operational noise, project traffic would not make a considerable contribution to either existing or future cumulative traffic volumes such that traffic noise would perceptibly increase. Likewise, noise generated by operation of the proposed 350 Mission Street building would not make a substantial contribution to ambient noise levels in the vicinity. Therefore, the proposed project would not result in a cumulative effect on operational noise. This topic, cumulative noise impacts, will not be discussed further in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>7. AIR QUALITY</b>					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. <b>Would the project:</b>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact AQ-1: Implementation of the proposed project would result in conflict or obstruction of the local applicable air quality plan. (Potentially Significant)**

The EIR will evaluate the proposed project's air quality impacts related to local air quality plans.

**Impact AQ-2: Implementation of the proposed project could violate an air quality standard or contribute substantially to an existing or projected air quality violation. (Potentially Significant).**

The EIR will evaluate the proposed project's air quality impacts related to air quality standards and existing or project air quality violations.



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**Impact AQ-3: Implementation of the proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (Potentially Significant).**

The EIR will evaluate the proposed project's air quality impacts associated with criteria pollutant emissions and ambient air quality standards.

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**Impact AQ-4: Implementation of the proposed project could expose sensitive receptors to substantial pollutant concentrations. (Potentially Significant).**

The EIR will evaluate the proposed project's air quality impacts related to exposure of pollutant concentrations to sensitive receptors.

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**Impact AQ-5: The proposed project would not create objectionable odors affecting a substantial number of people. (Less than Significant)**

The project would not result in a perceptible increase or change in odors on the project site or in the vicinity of the project, as it would not include uses prone to generation of odors. Observation indicates that surrounding land uses are not sources of noticeable odors, and therefore would not adversely affect project occupants. This topic will not be further discussed in the EIR.

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**Impact AQ-6: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, could result in cumulative air quality impacts. (Potentially Significant).**

Emissions generated by the proposed project could result in significant cumulative air quality impacts. Project effects on air quality will be analyzed in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>8. GREENHOUSE GAS EMISSIONS— Would the project:</b>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact GG-1: The proposed project would result in the generation of greenhouse gas emissions that could have a significant impact on the environment. (Potentially Significant)**

The proposed project would generate construction-, operation, and traffic-related greenhouse gas emissions. The proposed project's impacts related to greenhouse gases will be evaluated in the EIR.

**Impact GG-2: The proposed project would result in the generation of greenhouse gas emissions, which could conflict with applicable plans, policies, or regulations of an agency adopted for the purpose of reducing such emissions.**

The proposed project's impacts related to greenhouse gases will be evaluated in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>9. WIND AND SHADOW—Would the project:</b>					
a) Alter wind in a manner that substantially affects public areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact WS-1: The proposed project could alter wind in a manner that substantially affects public areas. (Potentially Significant)**

*Planning Code* Section 148, Reduction of Ground-Level Wind Currents in C-3 (Downtown Commercial) Districts, establishes two comfort criteria, and a hazard criterion used in analysis of wind impacts in San Francisco. The 7-miles-per-hour (mph) and 11-mph seating and pedestrian comfort criteria are based on pedestrian-level wind speeds that include the effects of turbulence; these are referred to as "equivalent

wind speeds," which are speeds exceeded 10 percent of the time. The hazard criterion is an equivalent wind speed of 26 mph for a full hour, or approximately 0.0114 percent of the time, not to be exceeded more than once during the year. The EIR will evaluate whether the proposed project would result in exceedances of the comfort and hazard criteria.

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**Impact WS-2: The proposed project would create new shadow in a manner that could substantially affect outdoor recreation facilities or other public areas. (Potentially Significant)**

**b. Shadow.** Section 295 of the *Planning Code* was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the Planning Commission finds the impact to be insignificant. The closest public open space in the vicinity of the project site that falls under the jurisdiction of the Recreation and Park Department is Justin Herman Plaza, located along The Embarcadero north and south of Market Street. Additional Recreation and Park Department properties are within one mile of the project site. To determine whether this project would conform with Section 295 of the *Planning Code*, a shadow fan analysis was prepared by the Planning Department which found—without considering other nearby buildings—that the project could potentially cast new shadow on Justin Herman Plaza.<sup>30</sup> In addition, the project could add new shadow to privately owned, publicly accessible open spaces and sidewalks in the vicinity, as well as to the planned park on the top of the Transbay Transit Center. A detailed shadow study will be completed and the results will be discussed in the EIR.

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**Impact WS-3: The proposed project, in combination with other past, present, or reasonably foreseeable future projects, could result in significant cumulative wind and shadow impacts. (Potentially Significant)**

In combination with cumulative development, the proposed project could result in significant cumulative wind and shadow impacts. These topics will be discussed in the EIR.

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<sup>30</sup> A copy of the shadow fan analysis is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2006.1542E.



<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>10. RECREATION—Would the project:</b>					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact RE-1: The proposed project would increase the use of existing neighborhood parks or other recreational facilities, but not to an extent that substantial physical deterioration of the facilities would occur or be accelerated. (Less than Significant)**

The closest public open space in the vicinity of the project site that falls under the jurisdiction of the Recreation and Park Department is Justin Herman Plaza, located north and south of Market Street at The Embarcadero, and Sue Bierman Park and Maritime Plaza (extending west from Justin Herman Plaza between Clay and Washington Streets). In addition, Yerba Buena Gardens (a Redevelopment Agency property at Third and Mission Streets), and Rincon Park (a Redevelopment Agency property along The Embarcadero), are within easy walking distance. There are numerous privately owned, publicly accessible plazas, gardens and open spaces nearby, including on the project block and the block immediately to the west. Planned parks in the area include the park atop the proposed Transit Center, as well as the planned Mission Square adjacent to the Transit Tower and diagonally across the Mission/Fremont Streets intersection from the project site, and the planned Transbay Park between Beale Street, Tehama Street, Main Street, and Clementina Street.

The project would be located within walking distance of the above-noted parks and open spaces. Thus, project occupants would have convenient access to public open space. The existing uses on the project site employ 150 people, and the existing school has an enrollment of approximately 800 daytime students and 400 evening/night students. Thus, with a daytime, non-resident population of approximately 1,308 employees, the proposed project would not substantially increase demand for or use of neighborhood parks, such as Justin Herman Plaza, or other facilities such as Yerba Buena Gardens, such that substantial physical deterioration would be expected. The increase in daytime site occupancy that would result from employment at the proposed project would not require the construction of new recreational facilities or the expansion of existing facilities. This topic will not be further discussed in the EIR.

**Impact RE-2: The proposed project would include the construction of indoor recreational facilities, the construction of which would have less-than-adverse physical effects on the environment. (Less than Significant)**

The proposed project would provide approximately 6,690 square feet of interior open space on-site for passive recreational use by project occupants and visitors, which would exceed the requirements of *Planning Code* Section 138. The ground floor lobby and stairway would contribute approximately 4,755 square feet of open space. The mezzanine would provide an additional 2,205 square feet of publicly accessible seating, which would also be considered open space. The increase in daytime site occupancy that would result from employment at the proposed project would not require the construction of new recreational facilities or the expansion of existing facilities. This topic will not be further discussed in the EIR.

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**Impact RE-3: The proposed project would not physically degrade existing recreational facilities. (No Impact).**

The proposed project would not result in the physical alteration of any existing recreational resource on the project site, within the project vicinity or in city as a whole. As such, the project would not directly physically degrade any existing recreational resources. This topic will be not discussed in the EIR.

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**Impact RE-4: The proposed project would not considerably contribute to recreational impacts in the project site vicinity. (Less than Significant)**

As stated above, the proposed project's employees would not substantially increase demand for recreational facilities in and around the project site. In addition, the project would provide 6,690 square feet of interior open space. Cumulative projects listed in the "Project Setting" would similarly provide on-site open space. Planned parks in the area include the park atop the proposed Transit Center, as well as the planned Mission Square adjacent to the Transit Tower and diagonally across the Mission/Fremont Streets intersection from the project site, and the planned Transbay Park between Beale Street, Tehama Street, Main Street, and Clementina Street. Therefore, the proposed project would have a less-than-significant cumulative impact on recreational resources. This topic will not be further discussed in the EIR.

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Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
<b>11. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact UT-1: Implementation of the proposed project would result in less-than-significant impact to wastewater collection and treatment facilities. (Less than Significant)**

No new wastewater collection and treatment facilities would be required to serve the proposed project, and the project would not result in any residential population increase. The project would meet wastewater pre-treatment requirements of the SFPUC, as required by the San Francisco Industrial Waste Ordinance.<sup>31</sup> While the proposed project would add to sewage flows in the area, it would not cause collection treatment capacity of the sewer system in the City to be exceeded. In light of the above, the proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board and would not require the construction of new wastewater/storm water treatment facilities or expansion of existing ones. Therefore, the proposed project would result in a less-than-significant wastewater impact. Additionally, the project would be subject to the City's Wastewater Capacity Charge.

The project site is served by San Francisco's combined sewage system. The sewage system is designed to collect and treat both sanitary sewage and rainwater runoff in the same sewer and treatment plants. Wastewater treatment for the east side of the City is provided primarily by the Southeast Water Pollution

<sup>31</sup> San Francisco Public Works Code, Article 4.1 (amended by Ordinance No. 19-92, January 13, 1992).



Control Plant. The SFPUC is in the process of developing a long-term San Francisco Sewer Master Plan to address the needs of entire wastewater system citywide. In a parallel effort to address more immediate wastewater needs, the SFPUC in 2005 initiated an interim capital improvement program to, among other things, reduce the potential for on-street flooding during heavy rains that can occur. As of early 2010, some 18 projects have been completed, and several others are under way or due to begin construction in 2010.<sup>32</sup> In addition, in July 2005, the SFPUC began imposing a new Wastewater Capacity Charge pursuant to SFPUC Resolution No. 05-0045. This Wastewater Capacity Charge is applicable to residential, non-residential and mixed-use types of construction that place new or additional demands on the system. All funds raised through the capacity charge will be directly used to offset the cost of future wastewater capital improvement projects and repairs. This topic will not be further discussed in the EIR.

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**Impact UT-2: Implementation of the proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (No Impact)**

The project site is currently covered entirely with impervious surfaces and the proposed project would not create any additional impervious surfaces, resulting in little or no effect on the total storm water volume discharged through the combined sewer system. Therefore, no new storm water drainage facilities would be required to be constructed as a result of the proposed project. This topic will not be further discussed in the EIR.

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**Impact UT-3: The SFPUC has sufficient water supply and entitlements to serve the proposed project, and implementation of the proposed project would not require expansion or construction of new water treatment facilities. (Less than Significant)**

Water is provided by the San Francisco Public Utilities Commission (SFPUC), which provides both water supply and wastewater collection and treatment. The SFPUC is currently in the process of updating its existing 2005 Urban Water Management Plan. The 2005 Plan did not forecast increased water use within San Francisco because of the anticipated success of ongoing conservation efforts.

No new water delivery facilities would be required to serve the proposed project, and the project would not result in any residential population increase. The proposed project would incrementally increase the daytime demand for water in San Francisco. The new building would be designed to incorporate water-conserving measures, such as installing low-flush toilets and urinals, as required by Chapter 4 of the *California Plumbing Code*. Moreover, as a LEED Gold-certified building, the proposed project would incorporate water-saving and waste management features that would reduce water consumption, wastewater generation, and solid waste generation to levels lower than those of comparable non-LEED-

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<sup>32</sup> San Francisco Public Utilities Commission, Wastewater Interim Capital Improvement Program webpage, on the SFPUC website at: [http://sfwater.org/mto\\_main.cfm/MC\\_ID/14/MSC\\_ID/116/MTO\\_ID/381](http://sfwater.org/mto_main.cfm/MC_ID/14/MSC_ID/116/MTO_ID/381). Accessed February 1, 2010.

certified structures. Such measures could include “double plumbing,” which involves the installation of separate plumbing systems for wastewater. These systems separate gray water from sanitary wastewater, thereby allowing the reuse of gray water on the site for such purposes as toilet and urinal flushing.

Sufficient growth to accommodate the proposed project’s office population was assumed in the SFPUC’s 2005 Urban Water Management Plan and an adequate water supply would be available for the proposed project. Since the proposed project would have sufficient water supply available from existing entitlements, it would not require new water supply or water treatment facilities, and the impact would be less than significant. This topic will not be further analyzed in the EIR.

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**Impact UT-4: The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs. (Less than Significant)**

Solid waste from the project site would be collected by Golden Gate Disposal Company and hauled to the Norcal transfer station near Candlestick Point, and recycled as feasible, with non-recyclables being disposed of at the Altamont Landfill in Alameda County. The Altamont Landfill has a permitted maximum disposal of 6,000 tons per day and received about 1.29 million tons of waste in 2007 (the most recent year reported by the State). The total permitted capacity of the landfill is more than 124 million cubic yards; with this capacity, the landfill can operate until 2025.<sup>33</sup> However, the amount of solid waste that San Francisco can deposit at Altamont Landfill is governed by the City’s agreement with the landfill operator, and the City is anticipated to reach its current limit between 2013 and 2015. The City is currently reviewing alternatives for longer-term disposal capacity, which may or may not involve continuing disposal at Altamont Landfill. The Department of the Environment anticipates having a new agreement in place during 2010.<sup>34</sup> Although the proposed project would incrementally increase total waste generation from the City, the increasing rate of diversion through recycling and other methods would result in a decreasing share of total waste that requires deposition into the landfill. Given this, and given the long-term capacity available at the Altamont Landfill, the solid waste generated by project construction and operation would not result in the landfill exceeding its permitted capacity, and the project would result in a less-than-significant solid waste generation impact. The proposed project would be subject to the City’s Mandatory Recycling and Composting Ordinance, which requires all San Francisco residents and commercial landlords to separate their refuse into recyclables, compostables, and trash, thereby minimizing solid waste disposal and maximizing recycling. The project would also be subject to the City’s Construction and Demolition Debris Recovery Ordinance, which requires all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65 percent of the material from landfills. This topic will not be further discussed in the EIR.

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<sup>33</sup> California Integrated Waste Management Board, Active Landfill Profiles, Altamont Landfill, <http://www.calrecycle.ca.gov/Profiles/Facility/Landfill/LFProfile2.asp?COID=3&FACID=01-AA-0009>, accessed May 27, 2010.

<sup>34</sup> San Francisco Department of the Environment, “Timeline and Analysis: Disposal Alternatives for San Francisco,” January 25, 2008. Available on the internet at: [http://www.sfenvironment.org/downloads/library/1\\_salalternativesjanuary2008.pdf](http://www.sfenvironment.org/downloads/library/1_salalternativesjanuary2008.pdf). Accessed March 12, 2009.

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**Impact UT-5: The construction and operation of the proposed project would follow all applicable statutes and regulations related to solid waste. (No Impact)**

The California Integrated Waste Management Act of 1989 (AB 939) required municipalities to adopt an Integrated Waste Management Plan (IWMP) to establish objectives, policies, and programs relative to waste disposal, management, source reduction, and recycling. Reports filed by the San Francisco Department of the Environment showed the City generated 1.88 million tons of waste material in 2002. Approximately 63 percent (1.18 million tons) was diverted through recycling, composting, reuse, and other efforts while 700,000 tons went to a landfill.<sup>35</sup> Additionally, the City had a goal to divert most (75 percent) of its solid waste (through recycling, composting, etc.) by 2010 and to divert all waste by 2020.<sup>36</sup>

San Francisco Ordinance No. 27-06 requires a minimum of 65 percent of all construction and demolition debris to be recycled and diverted from landfills. Furthermore, the project would be required to comply with City's Ordinance 100-09, the Mandatory Recycling and Composting Ordinance, which requires everyone in San Francisco to separate their refuse into recyclables, compostables, and trash. Altamont Landfill is required to meet federal, state and local solid waste regulations.

Implementation of the proposed project would not impede the City from meeting these requirements, and the impact would be less than significant. This topic will not be further analyzed in the EIR.

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**Impact UT-6: In combination with past, present, and reasonably foreseeable future development in the project site vicinity, the proposed project would have a less-than-significant cumulative impact on utilities and service systems. (Less than Significant)**

The proposed cumulative development in the project site vicinity, as described in the "Project Setting," was included in the 2005 Urban Water Management Plan. In addition, cumulative development would be required to pay the applicable Wastewater Capacity Charge to fund the cost of expansion of the wastewater conveyance and treatment system, if necessary. Cumulative development would also predominately replace existing buildings and impervious surfaces. Therefore, cumulative impacts to storm water would be less than significant. This topic will not be further discussed in the EIR.

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<sup>35</sup> San Francisco Office of the Controller, Community Indicators Report. Available on the internet at: [http://www.sfgov.org/wcm\\_controller/community\\_indicators/physicalenvironment/index.htm](http://www.sfgov.org/wcm_controller/community_indicators/physicalenvironment/index.htm). Accessed March 12, 2009.

<sup>36</sup> San Francisco Department of the Environment, Zero Waste webpage. Available on the internet at: [http://www.sfenvironment.org/our\\_programs/program\\_info.html?ssi=3&ti=#Reports](http://www.sfenvironment.org/our_programs/program_info.html?ssi=3&ti=#Reports). Accessed March 12, 2009.



<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
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**12. PUBLIC SERVICES— Would the project:**

- |   |                          |                          |                                     |                          |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|

**Impact PS-1: The proposed project would increase demand for police service, but not to an extent that would result substantial adverse impacts associated with the provision of such service. (Less than Significant).**

Police service is provided to the site primarily by the San Francisco Police Department's Southern Station, at 850 Bryant Street, 10 blocks from the project site. The project would increase development on the site. Thus, the project would increase the demand for, and use of, police services, but not in excess of amounts expected and provided for in this area. This topic will not be discussed in the EIR.

**Impact PS-2: The proposed project would increase demand for fire protection, but not to an extent that would result substantial adverse impacts associated with the provision of such service. (Less than Significant).**

Fire protection is provided primarily by the three closest fire stations: Station 1, at 676 Howard Street at Third Street (approximately one block);<sup>37</sup> Station 35, at Pier 22½ on the Embarcadero at Harrison Street (approximately three blocks); and Station 8, at 36 Bluxome Street, at Fourth Street (seven blocks). Combined, these stations are equipped with three engine companies, two truck companies, two medic units (ambulance), and one fireboat.

The project would increase development on the site. Thus, the project would increase the demand for fire protection, but not in excess of amounts expected and provided for in this area. This topic will not be discussed in the EIR.

<sup>37</sup> The San Francisco Fire Department has submitted an Environmental Evaluation application to the Planning Department for relocation of the fire station to a new site at 935 Folsom Street and 5th Street on property to be purchased by the San Francisco Museum of Modern Art and donated to the City and County of San Francisco. City and County of San Francisco Office of the Mayor. *Press Release: Mayor Newsom Announces Agreement with SFMOMA for Fire Station*. February 22, 2010.

**Impact PS-3: The proposed project would indirectly generate school students, but these new students would be accommodated within existing school facilities, and the impact to schools would be less than significant. (Less than Significant)**

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), restricts the ability of local agencies such as the City of San Francisco to deny land use approvals on the basis that public school facilities are inadequate. SB 50 establishes the base amount of allowable developer fees at \$2.63 per square foot of residential construction and \$0.42 per square foot of commercial construction as of 2006. These fees are intended to address local school facility needs resulting from new development. Public school districts can, however, impose higher fees provided they meet the conditions outlined in the act.

The nearest public schools are the middle school campus of Bessie Carmichael School/Filipino Education Center (FEC) at Fourth and Harrison Streets, seven blocks southwest of the site; Bessie Carmichael/FEC Elementary at Sherman and Harrison Streets, about 1 mile away; Enola Maxwell Middle School at De Haro and 18th Streets, approximately 2.5 miles from the site; and Mission High School at 18th and Dolores Streets; approximately 3.5 miles away.

Based on the citywide student generation rate employed by the San Francisco Unified School District (SFUSD) of 0.125 students per dwelling unit and the assumptions in Section E.3, Population and Housing, the project would potentially generate, indirectly, up to about 55 students. Given that SFUSD has adequate facilities to accommodate growth, this number of additional new students would not require new school facilities, and it is anticipated that all new students could be accommodated by existing schools under the jurisdiction of the SFUSD. Therefore, the proposed project would not result in a significant environmental effect on schools. Like all new development, the project would be required to pay one-time school impact fees under Government Code Section 65995(b)(3). This topic will not be discussed in the EIR.

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**Impact PS-4: The proposed project would result in an incremental increase in the use of parks and open spaces in the project vicinity, but the increased use would result in a less than significant impact. (Less than Significant)**

The nearest open spaces to the project site include Justin Herman Plaza (on The Embarcadero to the north and south of Market Streets), Sue Bierman Park and Maritime Plaza (extending west from Justin Herman Plaza between Clay and Washington Streets), Yerba Buena Gardens (a Redevelopment Agency property at Third and Mission Streets), and Rincon Park (a Redevelopment Agency property along The Embarcadero). There are numerous privately owned, publicly accessible plazas, gardens and open spaces nearby, including on the project block and the block immediately to the west. Planned parks in the area include the park atop the proposed Transit Center, as well as the planned Mission Square adjacent to the Transit Tower and diagonally across the Mission/Fremont Streets intersection from the project site, and the planned Transbay Park between Beale Street, Tehama Street, Main Street, and Clementina Street.

The incremental daytime non-residential population growth that would result from the proposed office uses and the new retail and restaurant space that would be included in the project would not necessitate the need for new or physically altered parks. See Topic 10, Recreation and Open Space, above, for further discussion of the proposed project's impacts on recreational facilities. This topic will not be discussed in the EIR.

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**Impact PS-5: The proposed project would increase demand for government services, but not to the extent that would result in significant physical impacts. (Less than Significant).**

The incremental daytime non-residential population growth that would result from the proposed office uses and the new retail and restaurant space that would be included in the project would not necessitate the need for new or physically altered other governmental facilities. This topic will not be discussed in the EIR.

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**Impact PS-6: The proposed project, combined with past, present, and reasonably foreseeable future projects in the vicinity, would result in less-than-significant cumulative impacts to public services. (Less than Significant)**

In light of the above, public services would not be adversely affected by the project. Cumulative developments in the project vicinity, as described in the "Project Setting" would be required to pay fees in accordance with Senate Bill 50. In addition, demand for police and fire services would increase, but not in excess of amounts expected and provided for in this area. Therefore, less-than-significant cumulative impacts would ensue. This topic will not be analyzed further in the EIR.

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<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>13. BIOLOGICAL RESOURCES— Would the project:</b>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project area does not include riparian habitat or other sensitive natural communities as defined by the California Department of Fish and Game and the United States Fish and Wildlife Service; therefore, criterion 12b is not applicable to the proposed project. The project area does not contain any wetlands as defined by Section 404 of the Clean Water Act. Therefore, criterion 12c is not applicable to the proposed project. The proposed project does not fall within any local, regional or state habitat conservation plans. Therefore, criterion 12f is not applicable to the proposed project.

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**Impact BI-1: The proposed project would have no impact on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. (No Impact)**

The project site and the majority of the Downtown area around the project site is developed and covered with structures and other impermeable surfaces. Because the project site is in a developed urban area and is almost completely covered by impermeable surface, the proposed project would not affect any rare plants or possible animal habitats, including riparian habitat. Several small landscaping trees exist in pots around the project site. This topic will not be further discussed in the EIR.

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**Impact BI-2: Implementation of the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (No Impact)**

The project site is not located within an established native resident or migratory wildlife corridor and it is not located on or in the vicinity of a native wildlife nursery site. The project site and its surroundings are

in Downtown San Francisco, an area which is developed and covered with structures and other impermeable surfaces. This topic will not be further discussed in the EIR.

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**Impact BI-3: Implementation of the proposed project would not conflict with local tree protection regulations. (No Impact)**

Although development of the proposed tower may require removal of these trees, they are not considered to be rare or endangered species, they do not provide habitat for rare or endangered wildlife species and do not qualify as "significant trees" pursuant to Article 16 Section 810(A) of the *San Francisco Public Works Code*. No rare, threatened, or endangered species would be affected by the proposed project. This topic will not be further discussed in the EIR.

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**Impact BI-4: The proposed project, combined with past, present, and reasonably foreseeable future projects in the vicinity, would make no contribution to cumulative biological impacts. (No Impact)**

Based on the above, the project would not result in any significant effect with regard to biology. Therefore, the project would not cumulatively contribute to any potential cumulative effects on biological resources by projects discussed in the "Project Setting." This topic will not be further discussed in the EIR.

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Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
<b>14. GEOLOGY AND SOILS— Would the project:</b>					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project would connect to the City's sewer and stormwater collection and treatment system and would not use a septic waste disposal system. Therefore, criterion 13e is not applicable to the project site.

**Impact GE-1: The proposed project would result in exposure of people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, expansive soils, seismic ground-shaking, liquefaction, or lateral spreading, but the impact would be less-than-significant. (Less than Significant)**

The project site is not located in an Alquist-Priolo Special Studies Zone. No known active fault exists on or in the immediate vicinity of the site.<sup>38</sup> In a seismically active area, such as the San Francisco Bay area, the possibility exists for future faulting in areas where no faults previously existed. The geotechnical investigations performed for the project site concludes that the likelihood of ground rupture is very low.<sup>39</sup> The closest active faults are the San Andreas Fault, approximately located about 9 miles southwest of the project site, and the Hayward Fault, about 10 miles northeast of the project site.

The *San Francisco General Plan* Community Safety Element contains maps that show areas of the city subject to geologic hazards. The project site is located in an area subject to "very violent" groundshaking (Modified Mercalli Intensity X) from earthquakes along the Peninsula segment of the San Andreas Fault and the North and South segments of the Hayward Fault (Map 2 of the Community Safety Element).<sup>40</sup>

<sup>38</sup> California Geological Survey (CGS; formerly California Division of Mines and Geology) *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1998*, [http://www.consrv.ca.gov], November 16, 1998, and CGS, *Fault Rupture Hazard Zones in California* Alquist Priolo Earthquake Zoning Act, Special Publication 42, Revised 1997.

<sup>39</sup> Treadwell & Rollo, *Geotechnical Investigation*, 350 Mission Street, San Francisco, California, August 21, 2008. A copy of this report is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2006.1524E.

<sup>40</sup> Continued research has resulted in revisions to ABAG's earthquake hazard maps. Available on ABAG website (viewed January 31, 2010) at: <http://www.abag.ca.gov/bayarea/eqmaps/mapsba.html>. Based on the current (2003) ABAG mapping, the shaking hazard potential at the project site is considered to be "very violent." The original 1995 ABAG maps, published in *On Shaky Ground* and included in the *General Plan* Community Safety Element, identified the potential for "extreme damage" in the



Like the entire San Francisco Bay Area, the project site is subject to ground shaking in the event of an earthquake on regional fault lines.

The existing building occupies the entire project site. It has a single basement level, with the top of the floor slab about 9 feet below sidewalk grade. The soil beneath the basement slab generally consists of up to 13 to 17 feet of undocumented fill (i.e., fill placed during the original reclamation of the site from San Francisco Bay, in the 19th century, when placement of fill was substantially unregulated). Beneath the fill is a layer of so-called Bay Mud, to a depth of about 50 feet below grade, which is below the maximum level of proposed excavation. Below the Bay Mud is a layer of Colma Sand about 30 to 40 feet deep. Colma Sand is a very dense, strong material that is capable of accommodating large loads, according to the geotechnical report. Groundwater is very shallow, at a depth as shallow as about 5 feet below grade.

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The geotechnical investigation found that the sandy fill and Bay Mud underlying the site are susceptible to liquefaction, and could result in ground settlement of as much as 3 inches following a major earthquake. However, because the proposed project would excavate most of the liquefiable soils beneath the project site, the report concluded that "liquefaction induced settlement will be negligible below foundation level."<sup>42</sup>

The geotechnical investigation recommended that proposed project be constructed on a reinforced concrete mat foundation founded upon the Colma Sand formation. The report concluded that the proposed project is feasible as proposed from a geotechnical engineering standpoint, assuming the recommendations in the report are followed. The report provides recommendations regarding site preparation and grading; removal of timber piles that support the existing four-story building; waterproofing of the concrete mat and basement walls; seismic design, including design of utility trenches; shoring of sidewalks and adjacent high-rise buildings, including monitoring for movement of adjacent buildings; and dewatering (see Section E.15, Hydrology). The project sponsor would follow the recommendations in the geotechnical investigation.

The final building plans would be reviewed by the Department of Building Inspection (DBI). Potential geologic hazards would be ameliorated during the DBI permit review process. In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. For any development proposal in an area of liquefaction potential, the DBI will, in its review of the building permit application, require the project sponsor to prepare a geotechnical report that assesses the nature and severity of the hazard(s) on the site and recommends project design and

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project area. ABAG notes on its website, "The damage, however, will not be uniform. Some buildings will experience substantially more damage than this overall level, and others will experience substantially less damage." Buildings that are expected to experience greater damage are older buildings that have not received seismic strengthening improvements.

<sup>41</sup> Treadwell & Rollo *Geotechnical Investigation* (see footnote 39, p. 63); pp. 9, 22

<sup>42</sup> Treadwell & Rollo, *op. cit.*; p. 15.

construction features that would reduce the hazard(s). To ensure compliance with all *San Francisco Building Code (Building Code)* provisions regarding structural safety, when DBI reviews the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and liquefaction. Therefore, the potential damage to structures from geologic hazards on a project site would be ameliorated through the DBI requirement for a geotechnical report and review of the building permit application. Any changes incorporated into the foundation design required to meet the *San Francisco Building Code* standards that are identified as a result of the DBI permit review process would constitute minor modifications of the project and would not require additional environmental analysis.

The impacts would therefore be less than significant. This topic will not be further discussed in the EIR.

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**Impact GE-2: The proposed project site would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. (No Impact).**

As shown on the official State of California Seismic Hazards Zone Map for San Francisco prepared under the Seismic Hazards Mapping Act of 1990,<sup>43</sup> the project site does not lie within an area subject to landslide (Map 5 of the Community Safety Element). Therefore, there would be no impact, and this topic will not be further discussed in the EIR.

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**Impact GE-3: The proposed project would not result in substantial loss of topsoil or erosion. (No Impact)**

The project site is at an elevation of approximately 3 feet, San Francisco City Datum<sup>44</sup> and is generally flat and level. The project site is completely occupied by the existing four-story office building (currently educational and retail uses), and therefore is completely covered by impervious surfaces and would remain so with implementation of the proposed project. Thus, the project would not result in a loss of top soil, nor result in substantial soil erosion on the project site or surrounding properties. There would be no impact, and this topic will not be further discussed in the EIR.

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**Impact GE-4: The proposed project would not result in impacts to site topographical features. (No Impact)**

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<sup>43</sup> The Seismic Hazards Mapping Act was developed to protect the public from the effects of strong ground shaking, liquefaction, landslides, or other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones.

<sup>44</sup> San Francisco City Datum (SFD) establishes the City's zero point for surveying purposes at approximately 8.6 feet above the mean sea level established by 1929 U.S. Geological Survey datum.

The project site is located on a block that is generally flat. The project site itself is flat and has no unique topography. The proposed project would have no impact with respect to topographical features of the site, and this topic will not be further discussed in the EIR.

**Impact GE-5: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would result in less-than-significant impacts related to geology and soils. (Less than Significant)**

The proposed project would result in No Impact to topographical features, loss of topsoil or erosion, or risk of injury or death involving landslides. Therefore, the project would not have a considerable contribution to related cumulative impacts, if any, of the projects listed in the "Project Setting." In addition, cumulative projects building plans would be reviewed by the Department of Building Inspection (DBI), and potential geologic hazards would be ameliorated during the DBI permit review process. Therefore, the cumulative impacts to geology, soils, and seismicity would be less than significant, and this topic will not be further discussed in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>15. HYDROLOGY AND WATER QUALITY— Would the project:</b>					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion of siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



<b>Topics:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Not Applicable</b>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact HY-1: The proposed project would not violate water quality standards or otherwise substantially degrade water quality. (Less than Significant).**

**Construction:** Over the construction period, there would be a potential for erosion and transportation of soil particles during site preparation, excavation, foundation pouring, and construction of the building shell. Once in surface water runoff, sediment and other pollutants could leave the construction site and ultimately be released into the San Francisco Bay. Stormwater runoff from project construction would drain into the combined sewer and stormwater system and be treated at the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Pursuant to the *San Francisco Building Code* and the City's National Pollutant Discharge Elimination System (NPDES) permit, the project sponsor would be required to implement measures to reduce potential erosion impacts.

These measures include adherence to the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust.

The project sponsor and the contractor responsible for construction activities at the project site shall use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director of DBI. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the *San Francisco Public Works Code*. If not required,

reclaimed water should be used whenever possible. Contractors shall provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement. During excavation and dirt-moving activities, contractors shall wet sweep or vacuum the streets, sidewalks, paths and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

In addition, as noted above in Section E.14, Geology and Soils, the groundwater level at the site is shallow, at about 5 feet below grade. Because the project would involve excavation to a depth of approximately 50 feet, dewatering would be necessary during construction. Any groundwater encountered during construction of the proposed project would be subject to requirements of the City's Industrial Waste Ordinance (Ordinance Number 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system. The Bureau of Environmental Regulation and Management of the San Francisco Public Utilities Commission must be notified of projects necessitating dewatering, and may require water analysis before discharge. The final soils report would address the potential settlement and subsidence impacts of this dewatering. Based upon this discussion, the report would contain a determination as to whether or not a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey is recommended, the Department of Public Works would require that a Special Inspector (as defined in the *Building Code*) be retained by the project sponsor to perform this monitoring.

Groundwater observation wells would be installed to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur during dewatering, groundwater recharge would be used to halt this settlement. Costs for the survey and any necessary repairs to service lines under the street would be borne by the project sponsor.

**Operation:** During project operation, all wastewater from the proposed project building, and storm water runoff from the project site, would be treated at the Southeast Water Pollution Control Plant. Treatment would be provided pursuant to the effluent discharge standards contained in the City's NPDES permit for the plant. During operation, the proposed project would be required to comply with all local wastewater discharge and water quality requirements.

Therefore, the proposed project would not substantially degrade water quality during both construction and operation. This topic will not be further discussed in the EIR.

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**Impact HY-2: The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. (No Impact)**

Groundwater is not used as a drinking water supply in the City and County of San Francisco. The project site is completely covered with impervious surfaces and natural groundwater flow would continue under and around the site. Construction of the proposed project would not increase impervious surface coverage on the site nor reduce infiltration and groundwater recharge. Therefore, the proposed project would not substantially alter existing groundwater or surface flow conditions, and this topic will not be further discussed in the EIR.

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**Impact HY-3: The proposed project would not result in altered drainage patterns that would cause substantial erosion or flooding. (No Impact)**

Because the proposed project would not change the amount of impervious surface area at the site, there would be no increase in the quantity and rate of stormwater runoff from the site that flows to the city's combined sewer system. The proposed project would alter drainage onsite, but site runoff would continue to drain to the city's combined storm and sanitary sewer system. Therefore, the project would not substantially alter drainage patterns. The foundation and portions of the building below grade would be water tight to avoid the need to permanently pump and discharge water. Because stormwater flows from the proposed project would not change, the proposed project would not significantly affect surface or ground water quality.

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. As described in Section E.14, Geology and Soils, however, the proposed project would be constructed on a deep foundation designed to minimize settlement. Therefore, and because the project site does not fall within an area in the City prone to flooding during storms as mapped by the Department of Public Works, no flooding hazard would ensue due to interference with site drainage.

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**Impact HY-4: The proposed project would not contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Less than Significant)**

As stated above under Impact HY-3, because the proposed project would not change the amount of impervious surface area at the site, there would be no increase in the quantity and rate of stormwater runoff from the site that flows to the city's combined sewer system. As stated above under Impact HY-1, stormwater runoff from project construction would drain into the combined sewer and stormwater system and be treated at the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Pursuant to the *San Francisco Building Code* and the City's National Pollutant Discharge Elimination System (NPDES) permit, the project sponsor would be required to implement measures to reduce potential erosion impacts. Therefore, the proposed project would not substantially contribute additional polluted runoff.



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**Impact HY-5: The proposed project would not expose people, housing, or structures, to substantial risk of loss due to flooding. (Less than Significant)**

Flood risk assessment and some flood protection projects are conducted by federal agencies including the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (Corps). The flood management agencies and cities implement the National Flood Insurance Program (NFIP) under the jurisdiction of FEMA and its Flood Insurance Administration. Currently, the City of San Francisco does not participate in the NFIP and no flood maps are published for the City. However, FEMA is preparing Flood Insurance Rate Maps (FIRMs) for the City and County of San Francisco for the first time. FIRMs identify areas that are subject to inundation during a flood having a one percent chance of occurrence in a given year (also known as a "base flood" or "100-year flood"). FEMA refers to the flood plain that is at risk from a flood of this magnitude as a special flood hazard area ("SFHA").

Because FEMA has not previously published a FIRM for the City and County of San Francisco, there are no identified SFHAs within San Francisco's geographic boundaries. FEMA has completed the initial phases of a study of the San Francisco Bay. On September 21, 2007, FEMA issued a preliminary FIRM of San Francisco for review and comment by the City. The City has submitted comments on the preliminary FIRM to FEMA. FEMA anticipates publishing a revised preliminary FIRM in 2010, after completing the more detailed analysis that Port and City staff requested in 2007. After reviewing comments and appeals related to the revised preliminary FIRM, FEMA will finalize the FIRM and publish it for flood insurance and floodplain management purposes.

FEMA has tentatively identified SFHAs along the City's shoreline in and along the San Francisco Bay consisting of Zone A (in areas subject to inundation by tidal surge) and Zone V (areas of coastal flooding subject to wave hazards).<sup>45</sup> On June 10, 2008, legislation was introduced at the San Francisco Board of Supervisors to enact a floodplain management ordinance to govern new construction and substantial improvements in flood prone areas of San Francisco, and to authorize the City's participation in NFIP upon passage of the ordinance. Specifically, the proposed floodplain management ordinance includes a requirement that any new construction or substantial improvement of structures in a designated flood zone must meet the flood damage minimization requirements in the ordinance. The NFIP regulations allow a local jurisdiction to issue variances to its floodplain management ordinance under certain narrow circumstances, without jeopardizing the local jurisdiction's eligibility in the NFIP. However, the particular projects that are granted variances by the local jurisdiction may be deemed ineligible for federally-backed flood insurance by FEMA.

Once the Board of Supervisors adopts the Floodplain Management Ordinance, the Department of Public Works will publish flood maps for the City, and applicable City departments and agencies may begin implementation for new construction and substantial improvements in areas shown on the Interim

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<sup>45</sup> City and County of San Francisco, Office of the City Administrator, National Flood Insurance Program Flood Sheet, <http://sfgsa.org/index.aspx?page=828>. Accessed January 31, 2010.

Floodplain Map. According to the preliminary map, the proposed project is neither within Zone A nor Zone V.<sup>46</sup> The project site is not within a flood plain designated on the City's interim flood plain maps. Therefore, the project would result in less-than-significant impacts related to development within a 100-year flood zone.

Maps published by the Bay Conservation and Development Commission (BCDC) indicate that, with a potential sea level rise of 55 inches (4.6 feet) — the anticipated rise in sea level by year 2100 due to global warming — areas of San Francisco along the Bay shoreline could be inundated.<sup>47</sup> However, the areas of potential inundation indicated on the BCDC maps do not include the project site. Nevertheless, continued emissions of greenhouse gases and the associated increase in global warming can be expected to have serious consequences for San Francisco, the Bay Area, California, and beyond. These effects will be discussed in the EIR analysis of Greenhouse Gases.

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**Impact HY-6: The proposed project would not expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow. (Less than Significant)**

As discussed in the section pertaining to geology and soils, above, the project site is not in an area subject to tsunami run-up, or reservoir inundation hazards (Maps 6, and 7 in the *General Plan* Community Safety Element). Therefore, the project is not expected to expose people or structures to risk from inundation by seiche, tsunami or mudflow. This topic will not be further discussed in the EIR.

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**Impact HY-7: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would result in less-than-significant cumulative impacts to hydrology and water quality. (Less than Significant).**

As stated above, the proposed project would result in no impact to groundwater levels or existing drainage patterns. Therefore, it would not considerably contribute to cumulative impacts, if any, from cumulative development projects described in the "Project Setting." Cumulative development projects also fall outside flood plain designated on the City's interim flood plain maps. Therefore, cumulative impacts related to flooding would be less than significant. Finally, cumulative development projects would be required to follow dust control and dewatering water quality regulations, similar to the proposed project. Therefore, cumulative hydrology and water quality impacts would be less than significant. This topic will not be further discussed in the EIR.

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<sup>46</sup> Federal Emergency Management Agency, Preliminary Flood Insurance Rate Map, City and County of San Francisco, California, Panels 92A, 94A, 110A, 111A, 112A, 120A, 130A, 140A, 210A, 235A, and 255A, September 21, 2007, available on the Internet at <http://sfgsa.org/index.aspx?page=828>, accessed January 31, 2010.

<sup>47</sup> Bay Conservation and Development Commission, "Shoreline Areas Vulnerable to Sea Level Rise: Central Bay." Available on the internet at: [http://www.bcdc.ca.gov/planning/climate\\_change/climate\\_change.shtml](http://www.bcdc.ca.gov/planning/climate_change/climate_change.shtml). Accessed January 31, 2010.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>16. HAZARDS AND HAZARDOUS MATERIALS</b> <b>Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is not within an airport land use plan area, nor is it in the vicinity of a private airstrip. Therefore, topics 15e and 15f are not applicable to the proposed project.

**Impact HZ-1: The proposed project would not create a significant hazard through routine transport, use, disposal, handling or emission of hazardous materials. (Less than Significant)**

The proposed project would involve the development of a 24-story office building with three levels of basement parking, and retail and restaurant uses on the ground floor and mezzanine. Project occupants would likely handle common types of hazardous materials, such as cleaners, disinfectants, and chemical agents required to maintain the sanitation of the residential areas, and commercial bathrooms and food preparation areas. These commercial products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who



handle hazardous materials, and adequately training workers. For these reasons, hazardous materials used in the proposed project would not pose any substantial public health or safety hazards related to hazardous materials with respect to the surrounding areas or nearby schools. The impact would be less than significant, and this topic will not be further discussed in the EIR.

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**Impact HZ-2: Demolition and excavation of the project site could result in handling and accidental release of contaminated soils and hazardous building materials associated with historic uses. (Potentially Significant)**

**Contaminated Soil and Groundwater.** A Phase I Environmental Site Assessment (ESA) report was prepared for the project site in 1997, and an update to that report prepared in 2005.<sup>48</sup> The potential for soil and groundwater contamination and hazardous building materials at the project site were assessed as part of this report, which is summarized below.

The City has adopted an ordinance (Ordinance 253-86, incorporated as Article 22A of the *San Francisco Health Code* and Section 106A.3.2.4 of the *San Francisco Building Code*) that requires analyzing soil for hazardous wastes within specified areas, known as the Maher area, when over 50 cubic yards of soil is to be disturbed and on sites specifically designated by the Director of Public Works.<sup>49</sup> The project site falls within the boundary of the "Maher Ordinance" and, therefore, would be subject to Article 22A.

The Phase I ESA and update conducted a comprehensive records review of the project site as well as the records for environmental releases from nearby properties. Prior to the 1906 earthquake, the project site and vicinity were in heavy industrial use, and the site was occupied by machine and milling shops, a blacksmith, and other facilities associated with a machine works. The surrounding neighborhood included a number of other similar industrial uses. However, after the earthquake and fire, the character of the South of Market neighborhood changed. The existing building, built in 1923, has historically been used for offices and warehousing; currently, it is occupied by Heald College, which has classrooms, computer labs, offices, and meeting space in the second through fourth floors; the basement is used for storage. The building underwent a major renovation and seismic upgrade in 1997, at which time asbestos and lead-based paint were largely removed from the building. As part of the seismic upgrade, excavation was undertaken and soil removed. The soil was tested and found to have a lead content in excess of typical background concentrations, and required disposal as hazardous waste at a Class I landfill. Elevated lead levels are common in artificial fill in downtown San Francisco, oftentimes associated with debris from the 1906 earthquake and fire. Given the site's location in the zone that burned in 1906, and

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<sup>48</sup> Lowney Associates, *Phase I Preliminary Environmental Site Assessment*, 350 Mission Street, San Francisco, California, July 1997; Lowney Associates, "Phase I Update, 350 Mission Street, San Francisco, California," letter report, December 2, 2005. Available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2006.1542E.

<sup>49</sup> The Maher Ordinance applies to that portion of the City bayward of the original high tide line, where past industrial uses and fill associated with the 1906 earthquake and bay reclamation often left hazardous waste residue in soils and groundwater. The ordinance requires that soils must be analyzed for hazardous wastes if more than 50 cubic yards of soil are to be disturbed.

given the results of the previous excavation and soil disposal, it is assumed that some of the excavation spoils removed as part of the current project would require disposal as hazardous waste.

The soil testing conducted as part of the 1997 building upgrade apparently involved soil that was excavated in conjunction with the installation of foundations to support new concrete shear walls; it appears that the excavation extended to no more than 10 feet below the basement (about 20 feet below grade), and possibly less,<sup>50</sup> whereas the proposed project would require excavation to a depth of approximately 50 feet below grade. The previous excavation likely occurred in historic fill that was placed during the reclamation of the site from San Francisco Bay, in the 19th century; as stated in Section E.14, Geology and Soils, fill in the project vicinity extends about 13 to 17 feet below the building basement, or about 22 to 26 feet below street grade. Article 22A requires that soil be analyzed for the presence of hazardous wastes to the depth of the proposed excavation. Moreover, information concerning the location on the site from which the soils sampled in 1997 were excavated is not available. Therefore, additional soil characterization would be required. To this end, the San Francisco Department of Public Health, Environmental Health Section, Hazardous Waste Unit (DPH) requested preparation of a Work Plan to further investigate subsurface conditions. The Work Plan was submitted to DPH for review and DPH approved the Work Plan in May 2010.<sup>51</sup> Mitigation Measure M-HZ-2a (p. 75) would require implementation of the Work Plan for Soil and Groundwater Characterization and, if warranted based on the results of the soil and groundwater testing, preparation and implementation of a Site Mitigation Plan. Implementation of this measure would ensure that impacts related to soil excavation and disposal are mitigated to a less than significant level.

With regard to nearby properties, the 1997 Phase I ESA identified a number of nearby sites where leaking underground storage tanks were reported to have leaked. However, review of the State Water Resources Control Board GeoTracker site indicates that the nearby sites identified in 1997 have been closed, and therefore there is no substantial potential for groundwater contamination at the project site. Moreover, as described in Section E.15, Hydrology, any groundwater encountered during project would be subject to requirements of the City's Industrial Waste Ordinance, and would be tested prior to discharge, if so required by the Bureau of Environmental Regulation and Management of the San Francisco Public Utilities Commission. These regulations would ensure that potential impacts related to groundwater contamination would be less than significant.

If warranted by the results of the soil and groundwater testing undertaken pursuant to Mitigation Measure M-HZ-2a, Mitigation Measure M-HZ-2b (p. 76), preparation of a Site Mitigation Plan, when implemented, would ensure that contaminated material is removed from the site or otherwise managed in accordance with applicable regulatory requirements and in a manner ensuring worker and public

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<sup>50</sup> Treadwell & Rollo, *Geotechnical Investigation: 350 Mission Street Building Seismic Strengthening*, July 3, 1997; Lowney Associates, *Phase I Preliminary Environmental Site Assessment* (see footnote 48, p. 73). These reports are available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2006.1524E.

<sup>51</sup> Treadwell & Rollo, *Environmental Site Characterization Work Plan, 350 Mission Street, San Francisco California*, May 10, 2010; and Rajiv Bhatia, MD, MPH, Director, Occupational and Environmental Health, San Francisco Department of Public Health, letter to David Wall, CLL US Office, LP, May 17, 2010. These documents are available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in File No. 2006.1524E.



health and safety thereby reducing the potential effect to a less-than-significant level This topic will not be further discussed in the EIR.

#### **Mitigation Measure M-HZ-2a—Work Plan for Soil and Groundwater Characterization**

The project sponsor shall cause to have implemented a Work Plan for the Characterization of Subsurface Soils and Groundwater for the project site. The Work Plan as approved by the San Francisco Department of Public Health, Environmental Health Section, Hazardous Waste Unit (DPH) includes the following.

Once the existing building has been demolished and debris removed from the site, subsurface investigation of the site will be undertaken. The proposed subsurface investigation will consist of the following:

- Obtain a soil boring permit from DPH;
- Notify Underground Service Alert and a private utility locating service a minimum of 48 hours prior to conducting the field investigation;
- Complete a minimum of three soil borings (two to a depth of 10 feet below the existing basement slab and one to the proposed depth of excavation, approximately 50 feet below grade) in the area proposed to be excavated and to the depth of proposed excavation, at locations to be reviewed and accepted by DPH;
- Collect soil samples in the two shallow borings at depths of approximately 1.5, 3, 5, 7.5, and 10 feet below the basement slab, and in the deeper boring at depths of 1.5, 3, 5, 7.5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 feet below street grade;
- After the deep boring has been advanced to the maximum depth, collect a grab groundwater sample through a slotted, one-inch diameter PVC temporary casing, using a disposable bailer and decanted into appropriately preserved containers;
- Screen all soil samples in the field for organic vapor and transport all soil and groundwater samples to a laboratory for analysis using chain-of-custody procedures; and
- Prepare a report of the findings.

The soil samples will be analyzed for total recoverable petroleum hydrocarbons (TRPH), total petroleum hydrocarbons (TPH) as gasoline and diesel, volatile organic compounds (VOCS), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), California assessment manual (CAM) 17 metals, leaking underground fuel tank (LUFT) S metals, total lead, asbestos, pH, cyanide, and sulfides. The groundwater sample will be analyzed for the following San Francisco Public Utilities Commission (SFPUC) discharge permit requirements: pH, dissolved sulfides, hydrocarbon oil and grease, total recoverable oil and grease, VOCs, SVOCs, total suspended solids, chemical oxygen demand, CAM 17 metals, phenols, and cyanide.

If the test results indicate elevated total metal concentrations, additional testing for soluble metals, using the California waste extraction test (WET) may be required to assess whether the material is a California hazardous waste. If significant levels of soluble metals are detected, additional analyses using toxicity characteristic leaching procedure (TCLP) may be necessary to determine if the material is a Federal hazardous waste.



### **Mitigation Measure M-HZ-2b—Hazards and Hazardous Materials (Site Mitigation Plan)**

If elevated concentrations of heavy metals and/or petroleum hydrocarbons are detected at the Site, prepare a site mitigation plan (SMP) that outlines specific soil handling procedures to be followed during construction. The SMP would also specify basic health and safety concerns to be addressed by the site contractor or subcontractor responsible for worker and public health and safety, through the preparation of a detailed health and safety plan by the project contractor. The SMP would be sent to DPH for approval prior to any excavation activities.

**Impact with Mitigation Incorporation: Less than Significant.**

**Hazardous Building Materials.** As noted above, the existing building on the project site underwent asbestos and lead-based remediation as part of the 1997 renovation. Therefore, it is unlikely that substantial amounts of these materials remain. Nevertheless, compliance with the regulations discussed below would ensure that impacts related to asbestos and lead-based paint would be less than significant.

***Asbestos.*** Section 19827.5 of the *California Health and Safety Code* requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/alterd including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation when a complaint has been received.

The local office of the State Occupational Safety and Health Administration (Cal-OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the DBI would not issue the required permit until the applicant has complied with the notice and abatement requirements described above.

These regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

**Lead-based Paint.** Work that could result in disturbance of lead paint must comply with Section 3423 of the *San Francisco Building Code*, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to December 31, 1978, Section 3423 requires specific notification and work standards, and identifies prohibited work methods and penalties. (The reader may be familiar with notices commonly placed on residential and other buildings in San Francisco that are undergoing re-painting. Generally affixed to a drape that covers all or portions of a building, these notices are a required part of the Section 3423 notification procedure.)

Section 3423 applies to the exterior of all buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces, unless demonstrated otherwise through laboratory analysis), and to the interior of residential buildings, hotels, and childcare centers. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the HUD Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbances or removal of lead-based paint. Any person performing work subject to the ordinance shall, to the maximum extent possible, protect the ground from contamination during exterior work; protect floors and other horizontal surfaces from work debris during interior work; and make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work. Clean-up standards require the removal of visible work debris, including the use of a High Efficiency Particulate Air Filter (HEPA) vacuum following interior work.

The ordinance also includes notification requirements and requirements for signs. Prior to the commencement of work, the responsible party must provide written notice to the Director of the DBI, of the address and location of the project; the scope of work, including specific location; methods and tools to be used; the approximate age of the structure; anticipated job start and completion dates for the work; whether the building is residential or nonresidential, owner-occupied or rental property; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign when containment is required, Requirements for sign when containment is required; Notice to occupants, Availability of pamphlet related to protection from lead in the home, and Early Commencement of Work [Requested by Tenant]). The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures by the *Building Code* would ensure that potential impacts of demolition due to lead-based paint would be reduced to a level of insignificance.

**Other Hazardous Building Materials.** According to the Phase I ESA, electrical transformers that transformers that contained polychlorinated biphenyls (PCBs) were removed from the project site around 1985, and were not reported to have leaked. Nevertheless, PCBs could still be present, particularly in



drainage sumps located in the basement. Other hazardous building materials, such as fluorescent light ballasts, could also be present, and could pose health threats for construction workers if not properly disposed of. However, implementation of Mitigation Measure M-HZ-2c would require that the presence of such materials be evaluated prior to demolition and, if such materials were present, that they be properly handled during removal and building demolition. This would reduce the potential impacts of these hazardous materials to a less-than-significant level. This topic will not be further discussed in the EIR.

#### **Mitigation Measure M-HZ-2c—Hazardous Building Materials**

The project sponsor shall ensure that PCB-containing equipment such as fluorescent light ballasts are removed and properly disposed of prior to the start of renovation. Old light ballasts that would be removed during renovation would be evaluated for the presence of PCBs. In the case where the presence of PCBs in the light ballast could not be verified, then they would be assumed to contain PCBs and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous materials identified either before or during renovation would be abated according to federal, state, and local laws and regulations.

**Impact with Mitigation Incorporation: Less than Significant.**

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#### **Impact HZ-3: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant)**

Occupants of the proposed building would contribute to congestion if an emergency evacuation of the Downtown neighborhood were required. Section 12.202(e)(1) of the *San Francisco Fire Code* requires that all owners of high-rise buildings (over 75 feet) "shall establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." Additionally, project construction would have to conform to the provisions of the *Building Code* and *Fire Code* which require additional life-safety protections for high-rise buildings. Impacts to emergency response or evacuation plans would be less than significant, and this topic will not be further discussed in the EIR.

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#### **Impact HZ-4: The proposed project would not expose people or structures to a significant risk of loss, injury or death involving fires. (Less than Significant)**

San Francisco ensures fire safety primarily through provisions of the *Building Code* and the *Fire Code*. Existing and new buildings are required to meet standards contained in these codes. In addition, the final building plans would be reviewed by the San Francisco Fire Department (as well as the DBI) to ensure conformance with these provisions. The proposed project would conform to these standards, which (depending on the building type) may also include development of an emergency procedure manual and an exit drill plan. In this way, potential fire hazards would be mitigated during the permit review process. This impact would be less than significant, and this topic will not be further discussed in the EIR.



**Impact HZ-5: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would result in less-than-significant impacts related to hazards and hazardous materials. (Less than Significant)**

Cumulative development projects described in the "Project Setting" be required to follow applicable regulations for hazardous materials disposal during demolition and construction, and project operations would use substantially similar amounts and types of hazardous materials as the proposed project. Any accidental spill or release of the materials would not combine with the proposed project to create significant hazards or hazardous materials impacts. This topic will not be further discussed in the EIR.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Not Applicable</i>
<b>17. MINERAL AND ENERGY RESOURCES— Would the project:</b>					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact ME-1: The proposed project would not result in the loss of availability of a known mineral resource or a locally-important mineral resource recovery site. (No Impact)**

All land in San Francisco, including the project site, is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology (CDMG) under the Surface Mining and Reclamation Act of 1975 (CDMG, Open File Report 96-03 and Special Report 146 Parts I and II). This designation indicates that there is inadequate information available for assignment to any other MRZ and thus the site is not a designated area of significant mineral deposits. Since the project site is already developed, future evaluation or designation of the site would not affect or be affected by the proposed project. There are no operational mineral resource recovery sites in the project area whose operations or accessibility would be affected by the construction or operation of the proposed project. This topic will not be further discussed in the EIR.

**Impact ME-2: Implementation of the proposed project would not encourage activities which would result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner. (Less than Significant)**

New buildings in San Francisco are required to conform to energy conservation standards specified by the San Francisco Building Code, including the San Francisco Green Building Ordinance (SFGBO), which would require the project to meet various conservation standards. Specifically, the project would be required to achieve LEED Silver Certification. The project is intended to exceed this requirement by attaining LEED Gold. Documentation showing compliance with the SFGBO standards is submitted with the application for the building permit. The SFGBO and Title 24 are enforced by the Department of Building Inspection. Moreover, as a LEED Gold-certified building, the proposed project would incorporate energy-saving features that would reduce energy consumption to levels lower than those of comparable non-LEED-certified structures. Because the proposed project would meet current state and local codes concerning energy consumption and would not cause a wasteful use of energy, and because of the project's stated goal of LEED Gold certification, effects related to energy consumption would not be considered significant. Therefore, the proposed project would not cause a wasteful use of energy and the effects related to energy consumption would not be significant. In light of the above, effects related to energy consumption would not be considered significant, nor would the project contribute considerably to any cumulative effects related to energy use.

Given the above, effects related to energy resources would not be significant, and this topic will not be further discussed in the EIR.

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**Impact ME-3: The proposed project, in combination with past, present, and reasonably foreseeable future projects in the site vicinity, would result in less-than-significant cumulative impacts to energy and minerals. (Less than Significant)**

The cumulative development projects described in the "Project Setting" are not located on sites designated as areas of significant mineral deposits. In addition, these developments would be required to implement energy efficiency measures as required by the *San Francisco Building Code*. Cumulative impacts to energy and mineral resources would be less than significant, and this topic will not be further discussed in the EIR.

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Not Applicable
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#### 18. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

##### Would the project:

- |   |                          |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Impact AF-1: The proposed project would not result in the conversion of farmland or forest land to non-farm or non-forest use, nor would it conflict with existing agricultural or forest use or zoning. (No Impact)**

The project site is located within an urban area in the City and County of San Francisco. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the site as *Urban and Built-Up Land*, which is defined as "...land [that] is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes." The project site does not contain agricultural or forest uses and is not zoned for such uses, nor does the site include any forest resources. The proposed project would not involve any changes to the environment that could result in the conversion of farmland or loss of forest resources. Accordingly, these criteria are not applicable to the proposed project, and will not be included in the EIR.



Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact	Not Applicable
<b>19. MANDATORY FINDINGS OF SIGNIFICANCE— Would the project:</b>					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The EIR will evaluate potential impacts, including cumulative impacts, related to traffic and transportation, air quality, and shadow and wind.

## F. MITIGATION MEASURES

Mitigation measures identified in the analyses in Section E are recapitulated here.

### Mitigation Measure M-CP-2—Archaeological Resources

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the Transit Center District Plan archeological research design and treatment plan (Far Western Anthropological Research Group, Inc., *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California*, February 2010) at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a

less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sections 15064.5 (a) and (c).

*Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

*Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program (AMP) shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation

with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

*Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.



- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

*Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

#### **Mitigation Measure M-NO-2a: Noise Control Measures for Pile Driving**

- Should pile-driving be necessary for the proposed project, the project sponsor would require that the project contractor pre-drill holes (if feasible based on soils) for piles to the maximum feasible depth to minimize noise and vibration from pile driving.
- Should pile-driving be necessary for the proposed project, the project sponsor would require that the construction contractor limit pile driving activity to result in the least disturbance to neighboring uses. Any nighttime work would require a work permit from the Director of Public Works or the Director of Building Inspection pursuant to San Francisco Noise Ordinance Section 2908.

### **Mitigation Measure M-NO-2b: General Construction Noise Control Measures**

To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor would undertake the following:

- The project sponsor would require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- The project sponsor would require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.
- The project sponsor would require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.
- The project sponsor would include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.
- Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.

### **Mitigation Measure M-NO-2c: Cumulative Construction Noise Control Measures**

- In addition to implementation of Mitigation Measure NO-2a and Mitigation Measure NO-2b (as applicable), prior to the time that construction of the proposed project sponsor would cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored areawide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive.



## **Mitigation Measure M-HZ-2a—Work Plan for Soil and Groundwater Characterization**

The project sponsor shall cause to have implemented a Work Plan for the Characterization of Subsurface Soils and Groundwater for the project site. The Work Plan as approved by the San Francisco Department of Public Health, Environmental Health Section, Hazardous Waste Unit (DPH) includes the following.

Once the existing building has been demolished and debris removed from the site, subsurface investigation of the site will be undertaken. The proposed subsurface investigation will consist of the following:

- Obtain a soil boring permit from DPH;
- Notify Underground Service Alert and a private utility locating service a minimum of 48 hours prior to conducting the field investigation;
- Complete a minimum of three soil borings (two to a depth of 10 feet below the existing basement slab and one to the proposed depth of excavation, approximately 50 feet below grade) in the area proposed to be excavated and to the depth of proposed excavation, at locations to be reviewed and accepted by DPH;
- Collect soil samples in the two shallow borings at depths of approximately 1.5, 3, 5, 7.5, and 10 feet below the basement slab, and in the deeper boring at depths of 1.5, 3, 5, 7.5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 feet below street grade;
- After the deep boring has been advanced to the maximum depth, collect a grab groundwater sample through a slotted, one-inch diameter PVC temporary casing, using a disposable bailer and decanted into appropriately preserved containers;
- Screen all soil samples in the field for organic vapor and transport all soil and groundwater samples to a laboratory for analysis using chain-of-custody procedures; and
- Prepare a report of the findings.

The soil samples will be analyzed for total recoverable petroleum hydrocarbons (TRPH), total petroleum hydrocarbons (TPH) as gasoline and diesel, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), California assessment manual (CAM) 17 metals, leaking underground fuel tank (LUFT) S metals, total lead, asbestos, pH, cyanide, and sulfides. The groundwater sample will be analyzed for the following San Francisco Public Utilities Commission (SFPUC) discharge permit requirements: pH, dissolved sulfides, hydrocarbon oil and grease, total recoverable oil and grease, VOCs, SVOCs, total suspended solids, chemical oxygen demand, CAM 17 metals, phenols, and cyanide.

If the test results indicate elevated total metal concentrations, additional testing for soluble metals, using the California waste extraction test (WET) may be required to assess whether the material is a California hazardous waste. If significant levels of soluble metals are detected, additional analyses using toxicity characteristic leaching procedure (TCLP) may be necessary to determine if the material is a Federal hazardous waste.

## **Mitigation Measure M-HZ-2b—Hazards and Hazardous Materials (Site Mitigation Plan)**

If elevated concentrations of heavy metals and/or petroleum hydrocarbons are detected at the Site, prepare a site mitigation plan (SMP) that outlines specific soil handling procedures to be followed during construction. The SMP would also specify basic health and safety concerns to be addressed by the site contractor or subcontractor responsible for worker and public health and safety, through



the preparation of a detailed health and safety plan by the project contractor. The SMP would be sent to DPH for approval prior to any excavation activities.

#### Mitigation Measure M-HZ-2c—Hazards Building Materials

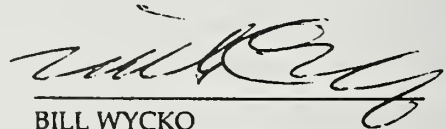
The project sponsor shall ensure that PCB-containing equipment such as fluorescent light ballasts are removed and properly disposed of prior to the start of renovation. Old light ballasts that would be removed during renovation would be evaluated for the presence of PCBs. In the case where the presence of PCBs in the light ballast could not be verified, then they would be assumed to contain PCBs and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous materials identified either before or during renovation would be abated according to federal, state, and local laws and regulations.

### G. DETERMINATION

On the basis of this initial study:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☒ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

June 1, 2010  
Date

  
BILL WYCKO  
Environmental Review Officer  
for  
JOHN RAHAIM  
Director of Planning  
Planning Department

## H. LIST OF PREPARERS

### REPORT AUTHORS

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Environmental Review Officer: Bill Wycko  
Senior Environmental Reviewer: Sarah B. Jones  
Environmental Coordinator: Brett Bollinger  
Transportation Planner: Viktoriya Wise

### ENVIRONMENTAL CONSULTANTS

Environmental Science Associates  
225 Bush Street, Suite 1700  
San Francisco, California 94104

Project Manager:	Karl Heisler	
Deputy Project Manager:	Jonathan Carey, LEED® AP	
Staff:	Elizabeth Kanner	Tania Sheyner, AICP, LEED® AP
	Jyothi Iyer	Ron Teitel
	Anthony Padilla	Linda Uehara
	Ricardo Ramirez	

### PROJECT SPONSOR

GLL US Office, L.P.  
1981 North Broadway, Suite 100  
Walnut Creek, California 94596  
David Wall

### SPONSOR'S ATTORNEY

Reuben & Junius  
One Bush Street, Suite 600  
San Francisco, CA 94104  
Daniel Frattin

### PROJECT ARCHITECT

Skidmore Owings & Merrill LLP  
One Front Street  
San Francisco, CA 94111  
Craig Hartman  
Steven Sobel  
Masis Mesropian

### PROJECT MANAGER

Pound Management Inc.  
5800 Colby Street  
Oakland, California 94618  
David J. Dachs, LEED® AP







